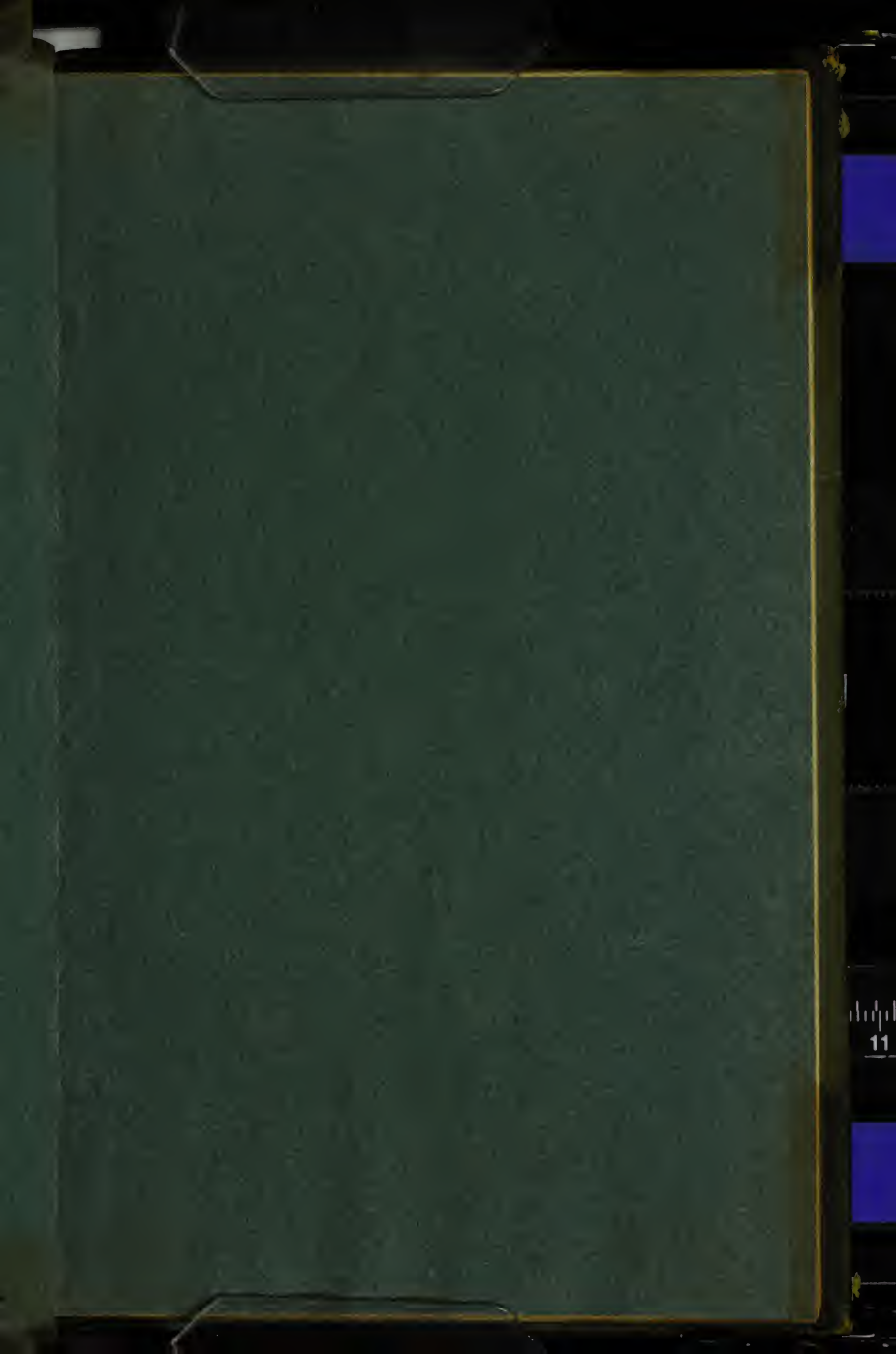


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Cary's answer to Molyneux

Vide Let. V. p. 77. Dub. 82.

AN  
ANSWER  
TO

Mr. Molyneux

HIS  
CASE of Ireland's being bound by Acts  
of Parliament in England, Stated:

AND

His Dangerous Notion of Ireland's being  
under no Subordination to the Parlia-  
mentary Authority of England

REFUTED;

By Reasoning from his own Arguments and  
Authorities.

---

Rom. 12. 3. *For I say, through the Grace given unto  
me, to every Man that is among you, not to think  
of himself more highly than he ought to think; &c.*  
Gal. 6. 3. *For if a Man think himself to be something  
when he is nothing, he deceiveth himself.*

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L O N D O N,

Printed for Rich. Parker, at the Unicorn under  
the Piazza of the Royal Exchange. 1698.

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THE  
EPISTLE Dedicatory,

By way of PREFACE

*To the Modern English Nobility, Gentry, and Protestant Inhabitants of Ireland.*

Right Honourable, Honourable, &c.

**A**lthough you are by far the least in Number, you are yet to be esteemed as the much more considerable part of the Inhabitants of that Country, in respect of your Power, and the Authority which you bear there. 'Tis true, that upon the first Subduction of the Irish Na-

## The Epistle

tion to the English Government, the Laws and Liberties of Englishmen were granted unto them, equally with the Colony of the Old English that were planted among them; but as they were a people that had been always us'd to a sort of wild and barbarous way of Living, they did not affect to embrace the more Civiliz'd Customs and Manners of the English, but for the most part kept themselves off from uniting and joining with them in the Management of the Government, which by the Concessions made to them, they might freely have acted in; yet they continued as a separate and distinct people, sway'd and influenc'd by their own petty Princes or Chiefs of Clans, even to the breaking out into frequent Insurrections and Rebellions against the English Government; which therefore continued all along to be chiefly administered

## Dedicatory.

nistred by the Inhabitants of the English Pale : And in this state the Affairs of Ireland remain'd until the Reformation of Religion, from whence sprung such a Revolution as produc'd a great Change in the Administration of the publick Affairs there : For after the Reformation had obtain'd in England, the Ancient English of Ireland did generally remain of the Roman Communion, and consequently when 'twas found dangerous to continue them in the Execution of publick Trusts, they also as well as the Irish of the same Religion, were in process of Time, by the Influence and Authority of England, utterly disabled from acting any thing in the Government of the State ; and 'tis in their rooms that you have since succeeded, and are therefore look'd upon and treated by England as the governing part, and

A 3

effective



## The Epistle

effective Body of the Kingdom of Ireland.

But when I came to consider Mr. Molyneux's Book, I thought it very strange, that he who design'd so Elaborate a piece in your Favour, should yet give you no stronger a Title to the prebeminence which you bear in that Country, than what would devolve upon you from those Concessions which were anciently made to the Native Irish and Old English; which, as he would perswade us, did amount to no less than the establishing them upon the Foundation of an Absolute Kingdom, distinct and separate from the Kingdom of England, and wholly Independent thereon; the Consequence of which, if it had been so, would have stood you in very ill stead, for as you cannot make any pretensions to such Concessions, because you are  
not

## Dedicatory.

not (generally speaking) descended from either of those People, but their Progeny are still in being, and acknowledged to be such; all the Rights and Priviledges which Mr. Molyneux hath so strongly contested for, should be due to them, if the Case must be taken as he hath stated it; and nothing can be more plausibly offered in their Justification, for the cutting the Throats of the Modern English, than this Notion: And Mr. Molyneux is so fond of fixing you upon this Old Foundation, that he even disputes the possibility of their forfeiting, or the reasonableness of our retracting those Concessions: I believe indeed, that he might foresee, that if it should be admitted that the frequency of their rebelling and our reducing them by force of Arms, did amount to a Reconquering of this their Independent Kingdom,

## The Epistle

dom, (as he makes it) that would have dissolv'd that ancient Concession, and spoyl his Design of entailing it upon you: However it be, I think this sort of Title does naturally fall under an inextricable Dilemma: For, If Ireland was granted to the Native Irish and Old English, as an Absolute, Independent Kingdom, and was never since re-conquered by England; the Right of administering the publick Affairs of that Government (under the King) ought to remain in them, since 'twas never given up to you by their Consents; and then they have no reason to consider you otherwise, than as having no Title more than Usurpers and Oppressors, and that you may justly be treated as such, whenever they are in a condition to do it: But if this Independent Kingdom hath been reconquer'd,  
the



## Dedicatory.

the former Concessions are actually dissolved, and neither you nor they can have any more pretence to an Independent Kingdom, until you can procure a New Grant for it: And thus Mr. Molyneux in labouring to raise you higher than your proper Basis, hath quite unbing'd you.

But I have yet no doubt of your being as well Entitled to the Power and Authority which you enjoy and exercise in that Country, as any People in Europe are; and that it is justly deriv'd to you, from a much more certain Original than what Mr. Molyneux hath assign'd; and I have therefore undertaken in the following Papers to controvert his Notion through every point, and to shew in Opposition to his Arguments; First, That Henry the Second, having subdu'd Ireland by the means of an English Army,

## The Epistle

*Army, that Country came to be annex'd to the Imperial Crown, or Kingdom of England, but not to the Person of King Henry, in any separate propriety from the Kingdom. Secondly, That the Subduing of Ireland by the people of England, under the Conduct of their King Henry the Second, was then esteem'd to be a Conquest, and is much more to be accounted so, than William the first's acquisition of the Crown of England, and that Ireland was thereby most certainly brought under the Jurisdiction of the Parliamentary Authority of England. Thirdly, That King Henry's Descent upon Ireland was a just Undertaking, and that the entire submission of the People to the Government of England, their receiving its Laws, and being endow'd in all the priviledges of Englishmen,*  
made

## Dedicatory.

made them become a Member of, and annex'd to the English Empire, and gave England a just Title to exercise a perpetual Jurisdiction over them. Fourthly, That all the many Concessions made to Ireland, empowering them to hold Parliaments, &c. can be understood no otherwise, than that they should be enabled to devise and enact such Laws when Occasion required, as were suitable to the Circumstances of that Country: But that no Grant ever did, or could make Ireland an Absolute, Distinct, Separate Kingdom, and wholly Independent of England, or invest it with such a supream Legislature as is inherent in the Head of the Government only; which, with respect to the Body of the English Empire, can never reside any where else than in the King, by and with the Advice and Consent of the Lords and Commons of Eng-



## The Epistle

England in Parliament assembled. Fifthly, That the Presidents and Opinions quoted by Mr. Molyneux, do not by any means assist his Argument, but do most of them support mine against him. And Sixthly, That his Reasons and Arguments offered on one side and t'other, are as little to his purpose; but that the English Settlements in Ireland always were, and ever must be properly accounted as a Colony of England, and hath ever been by her protected and supported as such.

By these Principles then, and no other but such as these, can the English be justify'd in their Conduct towards the Irish; whereas if they had been an absolute, distinct, independent People, the former and latter Disturbances they have given us, could not have been Rebellions, but were just Attempts

## Dedicatory.

tempts to vindicate their Rights against  
a People that had without Reason vio-  
lated them ; their Lands had not been  
legally Forfeited, but forcibly taken  
from them, against all Justice and  
Reason ; and the Spilling of so much  
of their Blood must lye heavy upon  
those that provok'd them to take up  
Arms, in Defence of their just Liber-  
ties and Properties. Is it not much  
more for your Interest then, to put  
this matter on the right bottom, upon  
which our Actings towards them were  
always grounded, by considering the  
Irish as a People that had been sub-  
du'd and brought in Subjection to  
the English Government, and were  
united to it in the Nature of a Pro-  
vince of its Empire ; and to esteem  
the English that have been settled  
there as a Colony of England, which  
we were oblig'd to protect and defend  
against

## Dedicatory.

against any Insults and Violences offered them by the Natives? For this must justly subject them to the Forfeitures and Penalties due to Rebels, vindicate us in the Severities we have exercis'd upon them, support you in the possession of the Estates which were taken from them, and return the Guilt of all the Blood that hath been shed in the Irish Wars, upon their own Heads, as being the Aggressors.

These things are so Obvious, that I believe, there are many of you that can have no good Opinion of Mr. Molyneux's Book, yet I am told that there are others, and some of good Rank among you, that are very fond of it: It does indeed with respect to you carry the face of a Popular Argument, and is artfully written; and he that can take the Latitude of advancing



## The Epistle

vancing his own Imaginations and mistaken Conjectures with the Confidence of Realities and Certainties, suggest Falsities with the utmost Assurance, and omit Material Truths; may impose much upon an unwary Reader, especially if he thinks what's offer'd is for his Interest.

Quod volumus, facile credimus.

But any thoughtful Man, that will give himself leave to Consider it impartially, will find it to be one of the weakest and most mistaken Books that ever was written with such a flourish of Language, and shew of Learning and Integrity. The Story of King John's being made an absolute Independent King, is the main Prop on which he lays the greatest stress of his Reasoning, and yet it proves but a meer Imagination: The Writers indeed of these Times do say,  
he

## The Epistle

he was made King of Ireland, but it looks but like a Complement to him, for the Grant it self shews plainly that 'twas but a feudatory Donation, and that 'twas never intended to make him an Independent King, because he was li-mitted to use no higher Stile than that of Lord of Ireland.

Mr. Molyneux also deals very unfairly in many other particulars, and it appears that he had more regard to gain the point he contests, than to discover the genuine Truth of the matter; for he hath not only stretch'd in favour of his Argument beyond what any Authorities can warrant, but he has also conceal'd divers obvious Instances that make against him; of which I shall observe to you some Particulars, that have occur'd to me since I had gone through with my Answer: I have accidentally met with  
Sir

## Dedicatory.

*Sir Richard Bolton's Statutes, (which he quotes) wherein I Observe, that there are several Acts that declare in most express Words, that the Kingdom of Ireland is appending, united, knit, and a Member rightfully belonging to the Imperial Crown of England: And yet Mr. Molyneux observes this to us with such a Diminution, as represents it but as it were united, and which he conceives effects no more, than that Ireland shall not be alien'd or separated from the King of England, &c. but I cannot imagine that he is so ignorant of our Constitution, as not to know, that we can have no Notion of uniting or annexing to the Imperial Crown of England, as appropriated to the King's Person, distinct from the Kingdom, which if it can be sence any where else, is yet perfect Nonsense in*

b

England.

28 H. 8.

Ch. 2.

Ch. 8.

Ch. 19.

33 H. 8.

Ch. 1.



## Dedicatory.

England. But I have met with one Prevarication so notorious, that I must not omit shewing it: Mr. Molyneux in page 41. hath these words; For the Dominion and Regality of Ireland was wholly and separately vested in King John, being absolutely granted unto him without any Reservation. And he being created King in the Parliament at Oxford, under the Style and Title of Lord of Ireland, enjoy'd all manner of Kingly Jurisdiction, Preheminence and Authority Royal, belonging to the Imperial State and Majesty of a King, as are the express words of the Irish Statute, 33 H. 8. cap. 1. I must confess, that I believ'd that this Statute had been as express in the matter as he delivers it, but 'tis so far from it, that there is no mention made of King John,

or

## The Epistle

or his Grant in it : The words of the Act are, Forasmuch as the King our most gracious Sovereign Lord, and his Grace's most noble Progenitors, Kings of England, have been Lords of this Land of Ireland, having all manner of Kingly Jurisdiction, Power, Preheminencies, and Authority Royal, belonging or appertaining to the Royal Estate and Majesty of a King, by the Names of Lord of Ireland. We deny not, that King Henry the Eighth's Progenitors, the Kings of England, had this Royal, Sovereign Authority over Ireland ; but his Insinuation, that John had it before he was King of England is plainly false, and not warrantable by this Statute.

Again, he mightily imposes upon the World, in asserting, That before the

b 2

Year

## The Epistle

p. 99. Year 1641. there was no Statute made in England, introductory of a New Law, &c. but those which he had before-mentioned: And though while I am dealing with Mr. Molyneux, I confine my self to mention no Authorities but his own, yet I will here presume for a proof of his Ignorance or Disingenuity, to name some other old Acts binding Ireland, which have been imparted to me by a very Learned and Observing Gentleman of our House of Commons, whose Credit I can relye on, without troubling my self to search the Records; and I doubt not but Mr. Attwood hath been much fuller in this particular, though I deny my self the reading his Book till my own be perfected.

The Statute of York, 12 Ed. 1st.  
Enacts Laws to be observed in England and Ireland; 11 Ed. 3. cap. 3.  
Pro-



## Dedicatory.

*Prohibits any Cloaths to be brought in-  
to England, Ireland, Wales, and  
Scotland, (for we then claim'd a Do-  
minion over Scotland also) but such  
as were made in the King's Domini-  
ons, upon pain of Forfeiture; 27 Ed. 3.  
Erects Staple-Towns in Ireland; 34  
E. 3. cap. 17. Enacts, that Mer-  
chants, Aliens or Denizons, may come  
into Ireland with their Merchandize,  
and freely return; 43 Ed. 3. cap. 1.  
The Staples of Ireland, &c. shall be  
kept at the places where they were first  
ordain'd; 1 Hen. 6. cap. 3. Enacts  
that the Irish, that have Benefices or  
Offices in Ireland, shall abide there  
upon their Benefices and Offices, upon  
the pain of forfeiting the Profits of  
their Benefices and Offices for the De-  
fence of Ireland, and mentions the like  
Law made the 1st. of Hen. 5th.  
From these and many other instances,*

## The Epistle

it evidently appears, that England hath always exercis'd a Legislative Jurisdiction over Ireland, whenever fit Occasions have made it necessary.

I have also seen the Irish Acts of Settlement and Explanation, and though Mr. Molyneux says, that they plainly shew, that the Parliament of Ireland may repeal an Act pass'd in England, yet I find nothing like it in those Acts; but on the contrary, the King's Declaration, which is of the Body of the Act of Settlement, although it takes Notice that the Estates and Possessions enjoy'd by the Adventurers, would prove very defective, if they were examined by the Letter of the Law, because they had not strictly pursu'd and observ'd those Acts of 42, from which they deriv'd their Title; yet 'tis made the first Business of this Act, to confirm these Adventurers in the Inheritance of all the  
Estates

## Dedicatory.

*Estates allotted them by virtue of those English Acts of Parliament; and 'tis provided, that if they should be obliged to restore any of those Lands to Innocents, they should be first repriz'd to the full Value out of other forfeited Lands. What more could be desired, to shew the utmost regard to those English Acts of Parliament? 'Tis true indeed, that the Act of Explanation retrenches one Third of the Allotments made to the Adventurers; but this could not be construed as any Breach upon the English Acts, for if they had taken a greater share, than the Lands that remain'd forfeited would amount to, 'twas but reasonable to reduce them to a just proportion: So that here again Mr. Molyneux hath evidently strain'd this Suggestion beyond the Truth of the Fact. I have indeed, remark'd these things at large in their*  
b 4 places,



## The Epistle

places, but as some more perfect Informations have since come to my Hand, I thought they might not improperly be hinted here, for the obviating the too great Opinion of Mr. Molyneux's performance, with which some may yet remain prepossess'd, and preparing them to entertain my Answer with the less prejudice.

I have heard indeed, that 'tis not to Mr. Molyneux alone that we are beholding for this Notion, but that it hath for several Years past been talk'd on among several of your People, and he hath only reduc'd it into form, and now at last brought it forth into the World ; and you may observe by the Votes of our last Parliament, that they were of the Opinion, that several Resolves of your House of Commons gave Encouragement to the publishing of this Book. But I would yet hope, that



## Dedicatory.

that many of that Assembly were not so far appriz'd of the Matter, as willingly to Design the doing any thing that should give so great an Offence to England : Yet I can assure you, from the Conversation I have had with several of the Members of our House of Commons, that although they had not Leisure to proceed further upon this Business in their last Sessions, 'tis however very probable that it may be taken into Consideration again by the ensuing Parliament, as a Matter which if it be not check'd in time, may produce very ill Effects : And you cannot but be sensible of the Dangerous Consequences of breaking the fair Correspondence and firm Confidence that ought always to be maintain'd between the Head Government and its Members ; and that when Misunderstandings and Jealousies are once entertain'd,

## The Epistle

tain'd, they are too apt to be improv'd into Extreams on both sides. You know also, that you have an Old Enemy near you, who would be ready enough to entertain hopes of Advantage to themselves from any such Jarrings: And you must needs acknowledge, that 'tis an imprudent thing to provoke those that have not only Right, but also Power to support it.

It hath been an usual Policy with some other Governments, to keep so strict a Hand over their Colonys, as not to suffer the Criolians, or People born there, to bear any Considerable Office or Command therein; but the Government of England hath not dealt so hardly by you, and doubtless it will be always your Interest to prevent the giving any Occasion to distrust your Fidelity, and to think it may be needful to treat you with more Caution.

## Dedicatory.

I should think therefore, that you cannot do your selves a greater Right, than in the next Sessions of your Parliament, not only to Censure this Book, but utterly to Disclaim also the Notion of your being a Kingdom so absolute within your selves, as to be wholly independent of the Kingdom of England ; I hope I have been able in my following Discourse, to Convince any reasonable Person that it cannot be so, and that instead of doing you any good, 'twould tend to your Destruction to have it thought so : Yea, and if you should Recognize your selves to be a Colony of England, (as I have shewn that you cannot be lookt upon under any other Consideration) I believe nothing can be more agreeable to your Circumstances, or better support your Title to what you enjoy in that Country. It would also be well worth your Thoughts,



## The Epistle

Thoughts, whether it might not be fit for you to shew your Readiness to Contribute something, according to your Ability, towards the Reimbursing of England a part of the vast Charge they have been at, in recovering that Country, and restoring you to your Estates ; whereby you may possibly prevent the Parliament of England's requiring it of you ; for I can tell you, that since Mr. Molyneux hath started the Thought, some of the most considerable Members of our House of Commons have talk'd on't.

I have no ill will to Ireland, I have had the Honour to have been in Conversation with many of you, for whom I have the utmost Respect and personal Esteem, and I have been sorry to see so much of an Inclination in some worthy Persons, to favour this Opinion of Mr. Molyneux. The sense of Power  
and



## Dedicatory.

and Profit prevails much upon Humane Frailty ; nay, it easily subdues our Reason, and makes us unwilling to entertain Convictions against what we have believ'd to be our Interest ; but I have endeavour'd to shew those that are mislead in this Matter, that it can by no means be their Interest to be freed from the Jurisdiction of the Parliamentary Authority of England : You know that you are not able to protect and defend your selves against the Rebellions of the Irish, and that the Kings of England cannot raise Money upon the People to help you, without their Consent in Parliament ; would you have them then only to have Authority to raise Money, and appropriate it to your Service, without having any more to do with you ? Or can you think, that the Parliament of England will ever more assist you upon those

## Dedicatory.

those Terms ? rather may they not with good Reason demand a Reimbursement of what Mr. Molyneux owns to be due to us for former Assurances ? which would doubtless amount to a greater Summ than you are ever able to pay.

People that do good Offices, expect at least a grateful Acknowledgment from those that receive them : We have never been sparing of our Blood and Treasure, to help you in your Distresses, and yet 'tis too well known, that many of your People have been apt to speak very slightly of what we have done for you, and to tell us, that what we did was not out of regard to them, but to our selves : And since the Bill design'd to restrain you from spoiling us in our principal Trade of the Woollen Manufactory, by underselling us in Forreign Markets, we have been sharp-ly

## The Epistle

ly reflected upon in print, as if we were about to ruine and undo you, and even deny you Earth and Air, and the common priviledges of Mankind : Nay, we were after a sort Threaten'd with the Danger of your joining with some other Interest than that of England, or of your quitting the Country, &c. and even Mr. Molyneux hath given some touches upon the same string : Give me leave to tell you, that this is not lookt upon as a modest or friendly Behaviour, much less does it denote any sense of Gratitude retain'd in a People that were so lately Reliev'd by England, and restor'd to the enjoyment of plentiful Estates, which they must never have expected but through the Help of England ; and this hath been done wholly at our Cost, and they have not (hitherto) been askt to Contribute one Penny towards it ; some People would

not



## The Epistle

not surely have so soon forgotten so great a Benefit. I am yet desirous to reason a little with you upon this Matter, but 'tis hard to use so much plainness as is requisite, without giving Offence to some, which I would as far as possible avoid, my Design being real Friendship and Good will to you, and I should rejoice if I might be instrumental to Reconcile you to an even Temper of Mind; but that's hardly to be done with such as shall persist to be of the Opinion that they are altogether in the right: Suffer me however to tell you, that you have ways enough to employ your Poor, without the Woollen Trade, which with you (as to those sorts that hurt us) is a New Undertaking: You have large and encouraging Improvements arising from the product of your Lands; your great quantities of Provisions, Butter, Leather, &c. afford



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afford you a fair Foundation for Foreign Trade, besides you are very capable of a Linnen Manufacture, if you will employ your Stock and Industry that way. On the other hand, England hath for many Ages, apply'd her self to the Woollen Manufactory, the poor are settled in it, and have no other way of Livelyhood; she hath no means of gaining Wealth sufficient to support her Government without it; but your being able to work so much cheaper, must of consequence abate the prices to so great a degree, as that she cannot be able to hold the Trade; which in time will cause a decay of her Wealth and Power, draw inevitable Ruin upon her whole Empire, and involve your selves in the same: Is it not easie then to determine, for whom 'tis reasonable to give place in this Contest? 'twas upon this Consideration,

## The Epistle

deration, you have been restrain'd from exporting your Wools to any Country but England, and is not the necessity of restraining the Manufacture thereof much more cogent? Bear with me to say, that the evident reason of the thing is sufficient to convince all Mankind, that England must be perpetually oblig'd to preserve this Trade to her self; that she cannot suffer any of her Members to interfere with her in it, and that to advocate against so just an exerting of the Supream Authority, shews only a self-seeking Temper, in Minds that would grasp all to themselves, without having any regard to the Well-being of the whole Community, of which they are but Members: You see the People of Romney-Marsh, are not willing to be hindred from sending their Wools to France, and the justice of the thing is as much to them

as

## The Epistle

as you, the only difference is, that they being within the Realm of England send Representatives to the Parliament; and yet perhaps they would have been as far from consenting as you, if they had not been over voted: But there would be no possibility of conserving Societies, if such Compulsions might not be exercis'd towards particulars.

We must yet own that 'tis but a natural infirmity, for Men to be hardly perswaded into the right reason of things which they believe to be against their own Interest; nay, we find that they are too apt to be prejudic'd against such who endeavour to convince them of their Mistakes; and as we observe that particular Persons are subject to prevailing Inclinations, so also there are Habits and Dispositions, that are in some measure peculiar to distinct



## Dedicatory.

Countries and People, from whence it hath been usual to give general Characters of the Inhabitants of particular Countries, according to the Virtues or Vices that have been noted to be most predominant among them; neither is it difficult to assign some natural causes, from whence such habitual Dispositions may proceed; for some instance whereof, I would offer the consideration of a Colony well settled in an abundant Country, where the People find very easie means of subsistence and improvement, and are in great measure exempted from the solicitous Cares and Difficulties of Life, that attend the Inhabitants of places that are more populous and fully cultivated; and where also they have been us'd to exercise a large Dominion and Power over the Natives, who have been always kept in a servile Obedience and Subjection to them, to



## The Epistle

a far greater degree than can be practi-  
ced in a Country where the People enjoy  
a more equal share of Liberty: Is it not  
reasonable then to expect, that the Inha-  
bitants of such a Colony may be naturally  
Generous, Hospitable, Free of Conver-  
sation, and of Couragious and Bold Spi-  
rits? These are Virtues, which every  
Body will commend; but is it not as na-  
tural for such a People, to be less ready  
to pay so intire an Obedience as may be  
requir'd of them by their Superiours, and  
to be uneasie under any Checks, that may  
impeach them in the prosecution of such  
Advantages that they may find them-  
selves capable of, without considering how  
prejudicial they may be to others? may  
there not be an aptness in such a People to  
be somewhat assuming, and to have a  
good Opinion of themselves? will there  
not be a proness to impatience, and for-  
wardness to reflect, when any Contradi-  
ction

## Dedicatory.

tion is given them? may they not be likely to expect more regard from others, than is really due to them? Is it not probable, that they would be less considerate in giving Offence, than ready to take Offence at others? may not height of Spirit be nearer their Temper, than true Humility? Moreover, as they have no Concern in the transacting with Foreign Nations in matters of Government, they may be the less us'd to consider of the Nature and Reason of Political Managements, or to think how far it is incumbent upon a Mother Nation or Supream Government, to regulate all her Colonies or Members, so as that the Tranquility of the whole Empire may be best conserv'd; and perhaps they may be subject to forget the Obedience and Duty which must be perpetually owing from them to her: These are Humane Infirmities, that may be very naturally incident, to a People under the fore-mentioned Circumstances; and I have met with ingenuous Persons who have been bred up in such Colonies, that have readily acknowledg'd, that their Judgments have been much rectify'd in these matters, when they have come to see more of the World,

## Dedicatory.

*World, and been made sensible of the better Accomplishments that are to be found in a more Polite Conversation; they may perhaps attain to a good pitch of School-Learning, but that can amount to no more than a very superficial Knowledge, in respect to the far greater improvement that is to be gain'd by reading the great Book of the World, and practising the ample Study of Men and Things.*

*I am tender of putting these things too home, because I know that though Men should be brought to see their own Infirmities, but few can endure to be told of them; yet a Marriner will esteem him for a Friend, that warns him of the Rocks and Sands that lye in his way, and a wise man will never account such an one his Enemy, who over-perswades him into the right way, when he was confidently going on in the wrong. I am sure, I want not good Will to the People of Ireland, and I believe no Man that hath no concern there, can wish their Prosperity more than I do, and I am very sensible, that 'tis the interest of England to encourage them in all such improvements, as may conduce to their Happiness and Well being, provided*



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vided they are such as may not prove highly prejudicial to her self.

I shall think my pains in this Undertaking to have been very well bestow'd, if I have been able to offer any thing that may convince you, that 'tis your undoubted Interest utterly to abandon the Thoughts or Desires of being look'd upon by the Parliamentary Authority of England, to be a People wholly exempt from their Jurisdiction: And as I know my Name is too inconsiderable to add any Authority to the Argument, I hope I may be excus'd in concealing it from the Odium of such, who may not discern the sincerity of my Intentions towards you in this Essay; and yet I will not doubt, but there are others who will believe me to be, as I am resolv'd upon all Occasions to the utmost of my Capacity, to render my self,

Right Honourable,

Honourable, &c.

Your Real Friend,

and very Humble Servant.



A N  
ANSWER  
TO  
Mr. Molyneux.

OF all the Freedom that hath been taken since the Liberty of the Press, we have scarcely seen so bold an Attempt as that of this Author, it being no less than to strike off from the Kingdom of *England* with a dash of his Pen, the whole Nation of *Ireland*, over which it hath exerciz'd a just Dominion for many hundreds of Years; and yet I believe it will appear, that he hath not shewn the want of Consideration more in his  
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choosing an Argument of so dangerous a Consequence, than by his superficial, confus'd and mistaken way of managing it, the strength of any reasoning that he hath offer'd, being much more applicable to the Native *Irish*, with whom the Original Contract (if there were any such) must have been made, than to the *Brittish* Protestants inhabiting among them. But it is to be considered, that the Political State of *Ireland* hath suffered very considerable Alterations since the first possession of it by the *English*; for though that first Submission of the *Irish* was so universal, as that the *English* possess'd themselves of most of the considerable Towns, and settled far and wide in the Island, yet in after times, through the defection of the *Irish*, and the mixing and uniting of many of the Old *English* with them, that part which remain'd intirely under the *English* Obedience, came to be confin'd to a Narrow Compass, perhaps not above four or five Counties, which was till very lately distinguisht by the

the Name of the *English Pale*, and the far greater part of the Country remain'd under many petty Dominions, possess'd by the *Irish* Lords and great Men, who paid but very little Obedience to the Government of *England*; but on the contrary, some or other of them were almost continually giving disturbance to the *English* Government that was settled there, by which means they were shut out from having to do with the *English* in the Transacting of the Publick Affairs of the Country; and the Reduction of them never came to any tolerable Perfection, till so lately as the Reign of Queen *Elizabeth*; so that indeed those Ancient Parliaments, and other Managements of the Publick Affairs there, which *Mr. Molyneux* mentions, did scarcely operate further than among the *English* Settlements, which, as I said before, extended but to a small part of the Island.

There was yet another great Occasion which made a very considerable alteration in the Administra-



tion of the Government of that Country, and that was the Change of Religion; for after the Reformation came to be thoroughly establisht, and the Roman Catholicks were found to be continually designing against it, all of that Religion were excluded from having to do in Publick Managements; and this shut out not only the Native *Irish*, but even the Old *English*, who mostly continued under that Profession. But Mr. *Molyneux* takes no Notice of the Distinctions that ought to be made of these different Interests, but that he may carry on his Point, blends and confounds them all together; as if they were to be considered alike, as one intire People, establisht and continuinuing upon the same bottom of Government. If then due Regard be had to these and other Distinctions, which must be observ'd upon his way of Arguing, I believe it will be found, that this doughty piece of *Irish* Learning will appear but a very indifferent performance.

I would not however detract from any



any thing that may deserve applause, and therefore must commend his smooth way of Expression, and own him to be a good Master of Words, but yet to have applyed them so ill, will still continue him under the Censure of being much wanting either in Integrity or Judgment, and makes this Book of his to deserve no better a Character than that of *Vox & præterea nihil*. I have heard indeed, that some have been taken with the seeming Modesty and Submission with which he introduces his Discourse, as if it were but an innocent representation of the ancient Rights and Liberties of the People of *Ireland*, and a just Remonstrance of some Encroachments and Invasions made upon them by the Government of *England*; but if it shall appear, that the Kingdom of *England* hath a certain Jurisdiction over them, and that it hath never treated them otherwise than according to the Rules of Justice, and with such a due Policy as becomes every Supream Authority to Exercise over all the Mem-

bers of its Empire, for the Conservation of Peace and Tranquility to the whole, and in that have not exceeded the Bounds of a reasonable and just Dominion ; that part of the Empire that shall endeavour to withdraw themselves from the Subjection which they justly owe to the Supreme Government, that hath always protected and defended them, and shall challenge to themselves Immunities and Privileges, which never were or could be granted them, without prejudice and injury to the greater Body of the Government, deserve not to be considered as Assertors of their own Rights, but rather as Invaders of the lawful Authority which God hath placed over them ; and certainly it must rather be Matter of Contempt and Derision, than of Commendation, to see a Man treat his Superiour with a strain of Fine, Smooth, Gentle Words, and Fawning Complements, upon a Subject that is altogether imposing and odious to him. Thus much I thought requisite to premise, and so shall proceed

ceed to the Examination of his Discourse. In which I intend to take Notice only of such matters as I shall think most Observable.

In his Dedication to the King, he *Humbly implores the Continuance of his Majesties Graces to them, by protecting and defending those Rights and Liberties which they have enjoy'd under the Crown of England for above 500 Years, and which some of late do endeavour to violate. His most Excellent Majesty is the Common Indulgent Father of all his Countries, and hath an equal regard to the Birth-rights of all his Children; and will not permit the Eldest, because the strongest, to encroach upon the Possessions of the Younger.*

Here it should be Noted, that by the Crown of England he must intend the Kings of England, as distinct from the Kingdom, ( although I think this a very improper way of Expression ) which is evident from his Simile of the Eldest and Youngest Child, as well as by the whole Design of his Argument; and this perhaps might have serv'd the turn in



making his Court to a *Mac Ninny*, or a Prince fond of the *Irish* Nation, but it looks but like a course Complement to his Majesty, to entertain him with a meer begging the Question, when he knows right well, at what a vast Expence of the Blood and Treasure of *England*, that Country was so lately (under his Glorious Conduct) reduc'd to its Obedience; and he is too Just and Generous a Prince to endure that any Parasite should persuade him, that any acquisition gain'd at the Expence of great Taxes rais'd upon the whole Body of his Subjects of *England*, and even appropriated by the Parliament for the particular Uses in which they were to be employ'd, can appertain to him in any propriety distinct and separate from the Imperial Crown of *England*. Neither is it reasonable for him to expect, that his Majesty should believe, that the *Some* he means, are about to violate their Rights and Liberties, without clearer Proof than any he hath brought. But it may be worth Inquiry, to know in what sense he brings

brings *Ireland* in with us for an equal share of Birth-right, allowing us no higher Priviledge than that of being the Elder Child. If he means this with respect to the *Old Irish*, surely the many Disturbances they have given us, and the many Occasions we have had of reducing them by force of Arms, may fairly admit us to some higher Title over them ; but if he means it of the *English* Inhabitants, they will certainly own themselves to be descended from *England*, and it would ill become them to start up and call their Mother by the Familiar Appellation of Sister. What he hints of encroaching upon their Possessions, cannot be taken to have any fair Meaning, unless he intends thereby to blame us for seizing the Estates of those that have been in Rebellion against us.

In his Preface he tells us, *How unconcern'd he is in any particular Inducement, which at this juncture might seem to have occasion'd his Discourse. He hath no concern in Wool or the Woollen Trade, he is not interested in*  
the

*the Forfeitures or Grants, nor solicitous whether the Bishop or Society of Derry recover the Lands they contest about.*

I believe seven Eighths of those Gentlemen of Ireland, that have been so busie in soliciting against the Woollen Manufactory Bill, might make as fair a Protestation as this, and yet it seems they thought themselves concern'd in the Consequence of that Matter; but his Reach in this, is to shew his Dislike of the Parliament of England's meddling with the Business of the Forfeited Estates, as well as the rest.

He says, 'Tis a Publick Principle that hath mov'd him to this Undertaking; he thinks his Cause good, and his Country concern'd; 'tis hard if they may not complain, when they think they are hurt, and give Reasons with all Modesty and Submission: The Great and Just Council of England freely allow such Addresses; to receive and hear Grievances is a great part of their Business, and to redress them their chief  
Glory,



Glory, but that's not to be done till they are laid before them, and fairly stated for their Consideration.

'Tis yet but a Private Principle, to become an Advocate for a part against the Whole; his Name shews him to be of *English* Extraction, and I know none of his Neighbours under that Circumstance, who don't reckon it a Privilege, that they may still own *Old England* to be their Country, and be owned by her, though they are permitted to live in *Ireland* if they please; what if they are not hurt, and the nature of their Complaint be such, as that it cannot be thought to be within the Bounds of Modesty and Submission? how could he be so fond of his Project, as to imagine that the Parliament of *England* would freely allow such an Address, which impeaches their own just Authority? They will never think the publishing a Book to the World, which is little better than *Sheba's* Trumpet of Rebellion, to be a fair way of stating Grievances; but that 'tis a part of their Business  
and

and their Glory, when they think it worth their while, to call such Authors to account for their Boldness.

I begin now with his Book, which as near as possible I shall follow in order, and for the Authorities which he hath quoted, I shall leave them to him very little disturb'd, but take them as he gives them, whether they are right or wrong, only making such Observations as may result therefrom, or from his own Reasonings.

Page 2. He begins with a very fine Complement again to the Parliament of England, and then takes upon him to give them *Due Information in matters wherein* ( as he says ) *another People are chiefly concern'd* ; and tells them, that *he could never imagine that such great Assertors of their own, could ever think of making the least breach upon the Rights and Liberties of their Neighbours, unless they thought that they had Right so to do ; and that they might well surmise, if these Neighbours did not expostulate the matter, and this therefore, seeing all others are silent, he*  
under-

undertakes to do, ( but with the greatest  
deferrence imaginable ) because he would  
not be wanting to his Country, or indeed  
to all Mankind, for he argues the cause  
of the whole Race of Adam, Liberty  
seeming the Inherent Right of all Man-  
kind. P. 3.

Now it seems, from Children of the  
same Parent, we are become another  
People and Neighbours ; the *Irish*  
may be said to be another People,  
though they have not been very  
good Neighbours to us sometimes ;  
but the *English* we may justly chal-  
lenge to be our own, and not ano-  
ther People ; and we shall hardly ad-  
mit them to be our Neighbours in  
such a sense, as that we should trans-  
act with them in Matters of Go-  
vernment, upon the same foot, and  
at equal distance with our Neigh-  
bours of *France, Holland, &c.* If they  
expect this from us, I hope they'll  
shew us the respect of sending their  
Ambassadors to us, and do this  
Champion of their Liberties the Ho-  
nour to let him be the first. Can  
he think the Parliament of *England*  
will



will believe themselves to be civilly treated by him, because of his fine Words, when he is Suggesting to the World as if they acted so unadvisedly in their Councils, as to proceed upon Surmises, and to take upon them to do what they do but think they have a Right to, when indeed they have none at all. But doubtless Mankind will ever have a higher Veneration for those August Assemblies, than to think them as subject to be mistaken in these Matters, as one presuming single Gentleman: But he argues for *Liberty, the right of all Mankind*: A Glorious Topick indeed, and worthy of the utmost Regard, especially from such great Assertors of it as an *English* Parliament: But if People should ask for more than ever was their Due, and challenge a Liberty of acting every thing they should think for their own profit, though it were to the Damage and Injury of others; to grant this would be an Injustice, and a sinful Liberty may as well be pleaded for; such Expostulations as these are abominable,

minable, and to assume such an equality with our Superiours as was never granted us, is an Arrogance that might rather have been expected from an *Irish* than an *English* Man. And after all this, 'tis not enough for a Man to say, *If the great Council of England resolve the contrary, he shall then believe himself to be in an Error, and with the lowest Submission ask Pardon for his Assurance; and he hopes he shall not be hardly censured by them, when at the same time he declares his Intention of a submissive Acquiescence in whatever they resolve for or against: Such Subjects as these (as I have said before) are beyond the Bounds of Modesty, and cannot admit of any such Apologies.*

He comes now to tell us, *the Subject of his Disquisition shall be, how far the Parliament of England may think it reasonable to intermeddle with the Affairs of Ireland, and bind up those People by Laws made in their House.*

This is certainly a very odd stating the Question: What need has he now to enquire, since he knows already

already, how far the Parliament of *England* have thought it reasonable to intermeddle? Another Blunder as bad as this, is his Talking of Laws made in their House: Doth he not know, that our Laws are not made without the Concurrence of Two Houses, and the Assent of the King also, as the Third Estate? But we will take his Meaning to be, to enquire how far it may be reasonable for the Parliament of *England* to intermeddle, &c. and join Issue upon that.

Next he gives us six Heads, from which he undertakes to argue, that they can have no such power.

p. 6. For the *First*, He pretends to give us the History of the first Expedition of the *English* into *Ireland*, his Design being to shew, *That the first Adventurers went over thither* (yet with the King's License) *upon a private Undertaking, in which they were successful; but that afterwards, when*

p. 8. *King Henry the 2d. came over with an Army, the Irish generally submitted to him, and received him to be their*  
King,



*King, without making any Opposition,*  
 from whence he seems to suggest  
 that *Ireland subjected it self only to the*  
*King, but not to the Kingdom of Eng-* p. 12.  
*land.* But he should have consider-  
 ed, that the Government of *England*  
 was a limited Monarchy, which was  
 sufficiently acknowledg'd, even by  
*William the 1st.* (commonly call'd  
 the Conqueror) in his Swearing to  
 preserve the Liberties and Privileges  
 of the People at his Coronation, and  
 confirming the same to them by his  
 Charter; and though he did indeed  
 afterwards violate them in a greater  
 measure than ever they had been be-  
 fore or since, yet neither he nor his  
 Successors did ever take upon them-  
 selves to be absolute Monarchs: The  
 great Power and Prerogative of an  
 English King then, can only be due  
 (to them as to the Supream Magi-  
 strate and Head of the Kingdom, and  
 not in any seperate propriety annex-  
 ed to their Persons, as distinct from the  
 Common-Wealth. If then *Henry the*  
*Second* carried over an Army of Eng-  
 lish into *Ireland*, it ought to be con-  
 sidered

sidered as the Army of the Kingdom; for it is held as a Principle with us, that no King of *England* may raise any Forces in this Kingdom, but what are allow'd to be the Forces of the Kingdom. I am not here arguing whether ever any King did or did not take upon him such an Authority, but 'tis sufficient for me to offer, that he could not by right, and according to this Authors own way of arguing, what may not be done of Right ought not to be argued, or brought into President; if our Rights have at at any time been invaded and usurp'd upon, this Nation hath had many Opportunities of Vindicating them, and we do not believe that what we enjoy at this day have been gain'd or Extorted from the Ancient Authority or Just Prerogatives of the Crown, but that they are due to us from the first Constitution and Time immemorial, and that such Violations which have been made upon our Constitution, by means of what was call'd the Conquest or otherwise, have been justly

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retriev'd; so that in respect of Mat-  
 ters which regard the Right and  
 Authority of the Kingdom, we may  
 judge according to what is visible,  
 and without Controversie admitted  
 at this day: The Right and Reason  
 of Things ever were, and ever must  
 continue to be the same; according  
 to these Principles then, can it ever  
 be admitted, that any acquisition ob-  
 tain'd in *Ireland* by an English Army,  
 under the Conduct of King *Henry*  
 the Second, could be appropriated  
 to the King, distinct from the King-  
 dom? We do indeed frequently find  
 in History, and we practice it no less  
 in our Common Discourse, that the  
 Name of the King is us'd by way of  
 Eminency, to signifie things done un-  
 der his Authority and Conduct as  
 Head and Chief, when it is never  
 intended to be applyed to his Per-  
 son; for if I should say, the King of  
*England* took *Namure* in sight of the  
*French* Army, every Body would  
 know that I meant the Confederate  
 Army, under the Conduct of King  
*William* took it: In like manner we  
 say,



say, such a King made such Laws, when indeed the Parliament made them: And if it will but be allow'd, that the *Irish* submitted to King *Henry* not out of fear to his Person, but for fear of his Army, I can make no doubt but that the Submission was made to him as King, and Head of the Kingdom of *England*, and not as Duke of *Normandy*. If he should lay stress upon their Submitting to the King and his Heirs; that can import no more than what the Words us'd at this day, to the King, his Heirs and Successors, do better explain.

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The *Second* Argument is to shew, That *Ireland* may not properly be said to be conquered by *Henry the Second*, or in any succeeding Rebellion. I shall not dispute with him in how many differing Senses the Word *Conquest* may be taken, I will grant to him that *Ireland* was not Conquered by *Henry 2d.* in such a sense as to enslave the People, or subject them to an absolute Power, and yet for all that, the Word *Conquest* (meaning a forcible gaining) is much more applicable

plicable to *Henry* the Second's acquisition of *Ireland*, than to *William* the First's obtaining the Crown of *England*; he had a pretence, and came not to Conquer but to Vindicate his Right; he was encourag'd to come over, abetted and assisted by a great Number of the People, who hated *Harold's* Government; he fought against *Harold* ( who was not generally consented to by the People as a Lawful King ) and his Abettors, but not against the Body of the People of *England*; he pursu'd not his Victory like a Conqueror, but receiv'd the chief of the People that came to him with Respect and Friendship; they chose him for their King, he swore to conserve their Laws and Liberties, and to govern them as their Lawful Prince, according to their own Form of Government. On the other hand, King *Henry* had no such Pretence of Right to the Kingdom of *Ireland*; his Descent was a perfect Invasion; he was not call'd in by the People of *Ireland*, and his Business was nothing else than to Conquer and Subdue the

Kingdom : 'Tis true, the People made no Opposition, but 'twas because his Power was dreadful to them ; what's the difference between yielding to an Invader without fighting, or after the Battel, more than that one shews want of Courage, the other of Success ? but are not both alike to the Gainer, when he hath got his point ? The *Irish* made no Terms for their own Form of Government, but wholly abolishing their own, they consented to receive the English Laws, and submitted entirely to the English Government, which hath always been esteem'd as one of the greatest Signs of a Conquest : But if he will be satisfy'd in what sense the People of that time understood it, let him but look again into his *Giraldus Cambrensis*, and see how he can translate the words, *Hibernia Expugnata* ; and what's the Meaning of *Qui firmissimis, fidelitatis & subjectionis vinculis, Domino Regi innodarunt* ? But what may put it out of all doubt, that the Body of the People of Ireland made an intire Submission to the Kingdom of



of England, in the Person of King Henry the Second, is his own Quotations; *Omnes Archiepiscopi, Episcopi, & Abbates totius Hiberniæ, receperunt eum in Regem & Dominum Hiberniæ, jurantes ei & heredibus suis fidelitatem, et regnandi super eos potestatem in perpetuum, et inde dederunt ei Chartas suas. Exemplo autem Clericorum, prædicti Reges & Principes Hiberniæ, receperunt simili modo, Henricum Regem Angliæ in Dominum & Regem Hiberniæ, et sui devenerunt, et ei et Hæredibus suis, fidelitatem contra omnes juraverunt. And in another, Nec alicujus fere in Insula vel nominis vel ominis erat qui Regiæ Majestati et debitum Domino Reverentiam, non exhiberet. And yet after he hath made these and more such like Quotations, 'tis strange to see the same Man come and say, From what forgoes, I presume it appears that Ireland cannot properly be said so to be Conquered by Henry the Second, as to give the Parliament of England any jurisdiction over us. He makes out an entire Submission to the King of England, and yet al-*

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lows no Jurisdiction to the Parliament of *England*. Let him shew us if he can, by what Right a King of *England* may take to himself a separate Dominion over a Country, brought into Subjection by the help of an *English* Army, so as that it shall be no way subjected to the Parliamentary Authority of *England*: But such arguing as this, must either render him very Ignorant of the Constitution of our Government, (which I believe he would not be thought) or wilfully guilty of maintaining an Opinion destructive to the Rights and Priviledges of the People of *England*.

I think him very much out, in asserting the Rebellions of *Ireland* to be of the same Nature with the Com-motions that have happen'd in *England*: However Historians may make use of the word Rebellion, to please the Party that's uppermost, yet there's an easie distinction to be made between a Rebellion and a Civil War; when two Princes contend for the Supream Government, and the People

ple are Divided into opposite Parties, they fight not against the Establish'd Government of the Kingdom, the Dispute being no more but who hath most right to be in the supream administration of it : Or if the People find themselves oppress'd, and their Liberties and Properties invaded by their Prince, and they take up Arms to restore the Government to its right Basis ; in both these Cases it may most properly be term'd a Civil War ; and of these kinds have been the Ruptures in *England* which he instances : But if People who live in a settled Commonwealth, where the Laws made or consented to by their Ancestors are in force, and Justice is duely administred, shall take up Arms to Oppugn the Legal Authority plac'd over them, to overturn the Government, and assume to themselves Liberties and Priviledges prejudicial to the Common Good, or to dethrone a Rightful Prince, who hath govern'd justly ; this in its very Nature is a Rebellion. I am not ignorant, that all contending Parties pretend  
to



to be in the right, and that they take up Arms justly, and none will own themselves Rebels, unless they are forc'd to it ; but yet 'tis evident that there is a real Right and Wrong in these things, and there have been many Instances in which the Impartial World could easily judge where the Right lay. If it be not so, I leave it to this Gentleman to furnish the World with some other good Reasons, why the Old *Irish* and Ancient *English* have been so severely handled in that Kingdom.

p. 18. His *Third* Inquiry is, *What Title Conquest gives by the Law of Nature and Reason?*

Mr. *Molyneux* hath shewn himself a good Advocate for the *Irish* in what forgoes, but if he had been a General in the *Irish* Army, I see not what more powerful Arguments he could have chosen, to stir them up to fight Valiantly against the *English* ; than by telling them, as in effect he doth here, *That the first Invasion of the English upon them was altogether unjust ; that Henry the second was an Aggressor and Insulter, who*  
invaded

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invaded their Nation unjustly, and with  
his Sword at their Throats forc'd them  
into a Submission, which he can'd never  
thereby have a Right to; that Poster-  
ity can lose no Benefit by the Opposition  
which was given by their Ancestors,  
which could not extend to deprive them  
of their Estates, Freedoms, and Immu-  
nities, to which all Mankind have a  
Right; that there is scarce one in a  
thousand of them, but what are the  
Progeny of the ancient English and  
Brittains: If the Irish were Conquered,  
their Ancestors assisted in Conquering  
them, and therefore as they were descend-  
ed from these Old English, they could  
never be subjugated or brought under  
the Modern English. This is the Sub-  
stance of his own Discourse, and ac-  
cording to his own Notions of the  
Freedoms and Immunities to which all  
Mankind has a Right, he might have  
told them in consequence, that 'twas  
their Duty to exert their own Rights  
and Liberties, expel the English out  
of the Nation as Invaders, and make  
themselves and their Posterity as free  
as any of the rest of the Sons of Adam.  
Any

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Any one may judge of this Gentleman's Discretion, by his publishing such Notions as these among the *Irish*, with whom perhaps they may be taking, but the People for whom he designs his Discourse won't be so easily caught with his Sophistry.

p. 25. He grants us, that *the Practice of the World may not come up to the Rectitude of his Doctrines, but he is inquiring what Right they have to what they do practice.* Well we have the World of our side at least, if after a Possession of above 500 Years, we don't now much trouble our selves to inquire what Right *Henry the 2d.* had to Invade *Ireland* with an *English* Army. I wish I could find out the Posterity of those *O's* or *Mac's*, that were heretofore the rightful Possessors of the Lands which this Gentleman now enjoys in *Ireland*, and which they never parted with for any Valuable Consideration; only to see, whether he would so much outdo the rest of the World, as to practice his own Principles, and very fairly give up his Lands to them, as to the right Heirs at Law. But



But to Dispute a little with him about this Matter : The End of all Government is for the Benefit of Mankind, many Nations have been subdued and conquered for their own good, and whoever hath been an Invader that way, hath done them Right and not Wrong : So did the *Romans*, Conquer People from under the Power of Tyrants and Oppressors, Barbarism and Ignorance, to make them Members of the best and freest Government in the World, and to Civilize them into good Manners and Useful Arts ; and thus is *Henry* the second's Invasion of *Ireland* to be justify'd and commended : He began to rescue the People from the Oppressions and Violences of their own wild Princes, and the Blood and Rapine to which they were frequently expos'd, upon every Quarrel and Invasion of so many Petty Monarchs, and from which in process of time they were totally delivered by the Authority of *England* : He gave the People the English Laws, constituted Parliaments, and the English Form of Government,

vernment, to this, by his own Confession they freely submitted, and doubtless they were convinc'd that 'twas for their Good : But no History tells us, that he reserv'd not the Direction of the State to *England*, and constant practice all along shews the contrary.

His plausible Arguments for the Liberty and Right of all Mankind; that Conquests can't bind Posterity, &c. are wholly misapply'd in this Case, and he abuses Mr. *Lock*, or whoever was the Author of that Excellent Treatise of Government, in referring to that Book on this occasion; for that Worthy Gentleman doth therein argue the Case of People whose just Rights are violated, their Laws subverted, and the Liberty and Property inherent to them by the Fundamental Laws of Nature, (which he very accurately describes) is invaded and usurp'd upon, and that when this is as Evident and apparent as the Sun that shines in a clear day, they may then take the best occasion they can find to  
right

right themselves. This is a Doctrine that all good Men may assent to, but this is in no wise the Case of *Ireland*; they did as he owns receive (and 'twas to their own Advantage) the English Laws, and swear Fealty to the King (that is, to the Government) of *England*, and did reciprocally receive from him the Priviledge of being admitted to be free Denizons of *England*, whereby they evidently gave up themselves to be incorporated into, and become Members of the English Empire; and to this day they remain to enjoy the Liberties and Priviledges of Freemen of *England*; unless there happen to be such as have forfeited the same according to the Municipal Laws of the Government; but he endeavours to evade the possibility of their Forfeiting, by suggesting as if they were to be considered as a *Different, Contesting Nation*: And therefore, 'Twould be unreasonable to put the Municipal Laws of particular Kingdoms in Execution between Nation and Nation in the state of Nature. If a Nation that  
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once was distinct, consent to embody itself into the Government of another that is more powerful, receive it's Laws, and submit to its Constitution without reserve, may they ever after be lookt upon as in the state of Nature, or shall they not rather be esteem'd as a Member of the greater Body, and be held to obey all such Ordinances as are calculated for the Good and Welfare of the Whole? If after this, without any Breach made upon them on the part of the Greater, they shall endeavour to withdraw themselves from the Subjection they have sworn to, and shall take up Arms, and commit Hostilities upon their Fellow-Subjects, may not this be called a Rebellion in a settled Common-Wealth? and have not the Municipal Laws of the whole Empire brought them under the Forfeiture of Life and Estate? doth the being separated at a small or greater distance by Sea, (as Islands must be) seperate them from continuing Members of the Common-Wealth to which they were once join'd? If  
these

these things are to be brought in Question, the English of *England* and *Ireland* both, must have much to answer for to the Ancient *Irish*. Yet I am in no doubt but that the *English* have to fairly administred the Government, as that they can well justify themselves in all the Severities that they have been forc'd to exercise upon the *Irish*, as justly drawn upon themselves by reason of their Rebellion: Have we not always own'd them to be Freemen of *England*, and allow'd them the same Privileges as English Men? have they not been permitted to exercise all Offices, Ecclesiastical, Military, or Civil, with the same Freedom as English Men? If since the Reformation, the *Roman Catholicks* have not been suffer'd to act in the Government, have not the *Roman Catholicks* of *England* been as much restrain'd? Nay, have not the *Irish* been much more indulg'd in the Exercise of their Religion by Connivance, than those of *England*? These Treatments towards them, have given no Occasion to this

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Author to trouble himself so much, in inquiring into the state of Slavery, and the Terms that Just or Unjust Conquerors may or may not use, for 'tis not in the Case.

The Premises considered, methinks he should grant us that some of the Disturbances the *Irish* have given us, at least the Massacres committed upon their Fellow Subjects, (of our own Blood) should not be reckon'd as fair warring between Nation and Nation; but that they might very well be accounted as Rebellious; and then why may not our subduing them, give us the Title of Rightful Conquerors over them? and if upon such delinquencies we had abridg'd their Posterity in some of those Privileges granted to their Ancestors, upon their first coming in to us in *Henry* the Second's Time, we had done no more than what he owns Conquerors commonly do: And yet we have not put any such hardship upon the Posterity of those People, for the fault of their Rebellious Fathers; I know not that any Irishman,

quate-



*quatenus* an Irishman, is at this day deny'd any of the Privileges that an Englishman can challenge; if he be a Delinquent, or a Roman Catholick, he is us'd no worse than all Englishmen that are in the same Circumstances: If we have slain, executed, or banish'd the Persons of those that have been actually in Rebellion, and seiz'd their Estates as forfeited, this is no more than what he himself hath taken pains to prove may be done by the Laws of Nature, or the Municipal Laws of Kingdoms: Where's then any room for Complaint, or reason for his Elaborate Arguments, on a Subject that does not concern us?

The Author by saying so much that directly reflects upon what hath been acted by the English in *Ireland*, hath given me the Trouble to say thus much for the Vindication of them (and among the rest, I suppose his own Ancestors) in their Conduct towards the Irish, and to shew how well they have kept to the Original Capitulation on their part: But

p. 19.

I cannot end this Head without taking Notice of his Remark, that *Even a Just Conqueror gains nothing over those that conquered with him, and fought on his side*: Why should he trouble the World with Arguments, to establish a Position that no Body ever deny'd. But if the Progeny of the Old English, that serv'd under *Henry the Second* in the Conquest of *Ireland*, have since joyn'd with the Native Irish in any Rebellion against their Mother Country, their Crime is greater than that of the Irish; and yet would he have us still treat them as Conquerors of our side, when they are fighting against us? Certainly this must forfeit all the Regard that was owing to them for the good Services of their Ancestors, and justly entitle them to the same Treatment that is due to other Rebels.

p. 20.

Yet for all this, *If he or any Body else (as he proposes) claims the like freedoms with the natural born Subjects of England, as being descended from them*: I know no body that will deny them to him, if (as I said before) he be  
of

of Capacity, and qualified as the Law now requires : He may come here, and even be a Member of our Legislature, (if he can procure himself to be chosen) as many others of that Kingdom always are : And let him for ever hereafter remember, that we receive them, and treat them all as equal Members of the same Body with our selves ; and if it be at any time requisite for the good of the whole, that we should Enact any thing binding upon *Ireland*, we do it not in respect of their Persons, but in regard to that part of the Empire they live in ; and if I my self (or any other Englishman) should think it for my Interest to become an Inhabitant there, I must be as subject to it as he is.

His *Fourth* Proposition is, *If a Conqueror just or unjust, obtains an Absolute, Arbitrary Dominion over the Conquered, so as to take from them all that they have, and to make them and their Posterity Slaves ; whether yet if he grants them Concessions, bounding the Exorbitancy of his Power, he be* p. 27.



*not obliged strictly to Observe those Grants?*

I have shewn before, that he had no reason to aggravate the Question to such Extremities in our Case, because we have never pretended to exercise so Arbitrary a Power over the People of Ireland.

p. 28. He goes on then, *To shew by Precedents, Records and History, What Concessions have been granted them; by what steps the Laws of England came to be introduced into Ireland; he would prove, that anciently the Parliament of England was not thought to have any Superiority over that of Ireland: And gives his Answers to what Objections are moved upon this Head. But I believe we shall find this as little to the purpose as the former.*

He might have spar'd his pains in taking up so many Pages to convince us against all Objections, that Henry the Second did establish the English Laws and Form of Government in Ireland; that he gave them a *Modus tenendi Parliamentum*; that an *Explanation* of it made in Henry the Fourth's

p. 29.

p. 30.

p. 32.

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Fourth's *Time was extant* ; Nay, that  
*They believe they have found the very* p. 35.  
*Original Record of King Henry the*

Second, and to give us so ample an Ac-  
 count through whose Hands it hath  
 pass'd ; it may be really so, or may  
 be not so, for all its *Venerable, Anci-*  
*ent Appearance*, we can conclude with p. 36.

no more Certainty than he leaves it,  
 only we may believe from the Credit  
 of the Arguments produced by *his*  
*Nephew, Samuel Dopping's Father,*  
*the Reverend and Learned Doctor*  
*Dopping, late Bishop of Meath,* that  
 this old *Modus* was found in the Trea-  
 sury of *Waterford*, by my Lord *Long-*  
*ford's Grandfather*. My Reader may  
 perhaps think me as impertinent in  
 this Repetition, but I do it to shew  
 that I have in this abbreviated about  
 Nine of his pages, which offers no  
 more of Argument to the Matter,  
 than that *Henry the Second settled*  
*the Kingdom of Ireland under the very*  
*same Constitution of Government with*  
*England* ; and this we should as rea-  
 dily have granted as he could have  
 propos'd ; and 'tis sufficiently to our

- p. 37. purpose that he hath abundantly prov'd ; *That all Ranks and Orders of the Irish did unanimously agree to submit themselves to the Government of the King of England ; That they did thankfully receive the Laws of England, and swear to be governed thereby ; and I know not what hath releas'd them from any part of that Obligation to this day, himself owning, that There can't be shewn a more*
- p. 38. *fair Original Compact, than this between Henry the Second and the People of Ireland, and we have desired no more from them, than that they should continue to be so governed.*
- p. 38. He tells us, *It is manifest, that there were no Laws imposed on the People of Ireland, by any Authority of the Parliament of England, nor any introduced by Henry the Second, but by the Consent and Allowance of the People of Ireland, and that both the Civil and Ecclesiastical State were settled there, Regiæ Sublimitatis Autoritate ; not only this, but the manner of holding Parliaments also, to make Laws of their own, ( which is the Foundation and*  
Bul-



*Bulwark of the Peoples Liberties and Properties* ) was directed and established there by Henry the Second, as if he were resolved, that no other Person or Persons should be the Founders of the Government of Ireland but himself, and the Consent of the People, who submitted themselves to him against all Persons whatsoever.

Was it fit for the King to have carried a Parliament about with him? or because he had not a Parliament there, must it follow therefore, that their Authority could never have any concern in what was done? The King was now abroad with the Forces of the Kingdom, and 'tis not to be suppos'd, that his own Authority was not sufficient to make Terms with the Enemy if they submitted; we do not pretend that the Power of our King is limited at that rate, yet whatever Submission is made to his Person on such Occasions, is doubtless virtually made as to the Supream Authority of the Kingdom, and that I believe every Body will allow to be in our Constitution, the King,  
Lords

Lords and Commons, in all whom the Legislature resides, and not in either separate from the rest. The King may be said to be vested with the Power of the whole, in the Civil and Military Administration of the Government, and yet whatsoever is acted or acquired under his Authority as King of *England*, must doubtless be esteemed to be for the Account of the Nation, and not in any Propriety peculiar to himself. To talk then, *As if the Parliament had nothing to do in this Transaction, and that King Henry the Second acted in it as if he were resolv'd that no other Person or Persons, should be the Founders of the Government of Ireland but himself,* is Language not becoming an *Englishman*; and I wonder that this Author could have so little Sense of what he was about, when he said this; for in the very next Paragraph (but one) he gives us an Instance, which shews beyond all Contradiction, that King *Henry* himself had no such Opinion of his own Seperate Authority.

And

And now he comes to the Matter, and tells us, that *King Henry about the 23d. Year of his Reign, and five Years after his Return from Ireland, creates his Younger Son John King of Ireland, at a Parliament held at Oxford; and that by this Donation Ireland was most eminently set apart again, as a seperate and distinct Kingdom by it self from the Kingdom of England, and did so continue until the Kingdom of England descended and came unto King John, after the Death of his Brother Richard the First, which was about 22 years after his being made King of Ireland; during which time, and whilst his Father and Brother were successively reigning in England, he made divers Grants and Charters to his Subjects of Ireland, wherein he stiles himself Dominus Hiberniæ, and in some Dominus Hiberniæ & Comes Meritonæ; by which Charters both the City of Dublin, and divers other Corporations, enjoy many Privileges and Franchises to this day.*

p. 39.

p. 40.

We know that divers of our Kings have at several Times granted out  
 Parcels



Parcels of their Dominions to their  
 Sons or Subjects, and endowed them  
 with many Royal Privileges, yet al-  
 ways as Feudatories of the Empire,  
 after the same manner, so much an-  
 ciently practised in most Kingdoms  
 of *Europe*; such have been in *Eng-  
 land*, the Principality of *Wales*, the  
 Counties Palatine of *Chester*, *Lancaster*  
 and *Durham*, and what was much less  
 considerable than these, the *Isle of Man*.  
 was given with the Title of *King in  
 Man*, (which was more than *King John*  
 had) which continues in the Earls of  
*Darby* at this day. In like manner also  
 have Proprietaryships been granted  
 to the Settlers of Colonies in *America*  
 in our time; and such and no other  
 was this Grant of *King Henry the  
 Second* to his Son *John*; but what is  
 very remarkable in this Case, is, that  
 this Grant was made in Parliament.  
 Did ever Man so expose himself in  
 Print? what he hath been endeavour-  
 ing to prove, is, that the *Irish* were ne-  
 ver so conquered by *Henry the Second*,  
 as to give the Parliament of *England*  
 any Jurisdiction over them, and yet  
 here

here he tells us, that this same King  
*Henry* created his Son *John* King of  
*Ireland*, in a **Parliament** at *Oxford*;  
 which to word it in the Stile of  
 this time, is to say, that about the  
 twenty third Year of *Henry* the 2d.  
 an Act of Parliament was made at  
*Oxford*, by which *John*, the younger  
 Son of the said King, was Created  
 King of *Ireland*. Is it possible to  
 think upon a greater Instance, in  
 which the Authority of a Parliament  
 over a People can be exerted, than  
 this of creating a King to rule them,  
 and that without ever asking their  
 Consent? and is it not plain from  
 this, that King *Henry* himself did  
 never esteem the Submission of the  
*Irish* to have been made to him in  
 respect of his Person, ( according to  
 this Author's New Doctrine ) but  
 in respect of the Kingdom which he  
 govern'd? otherwise, why did he  
 not make a King of *Ireland* by his  
 own Authority, rather than thus  
 eclipse his Power and Right, ( if he  
 had it ) by submitting it to be done  
 in Parliament? and I think if I  
 should

should stop here, and give my self no further trouble, to trace him through the rest of his tedious, tho' shallow Arguments, all impartial People would be satisfied in these Four Points, That the ancient *Irish* did intirely submit their Nation to become a Member of, and be united to the *English* Empire ; That the Parliamentary Authority of *England* hath ever obtain'd over all the parts of its Dominions ; That they have exercis'd this Authority over *Ireland* even from its first Union to this Kingdom ; and, That the *Irish* understood their Submission in this sense, and paid Obedience to this Act of an *English* Parliament without regret. But since I have undertaken it, I must go through with him.

p. 40. This Creation however, as barely mention'd by him, is not Authority enough for Mr. *Molyneux* to conclude positively, that, *By this Donation Ireland was most eminently set apart again,* ( he seems then to grant that 'twas at first united ) *as a separate and distinct Kingdom by it self from*  
the



*the Kingdom of England.* He produces no Record for this, nor any authentick Authority; what he offers like Proof for this perfect separate Regality, is only the granting Charters whilst his Father and Brother were reigning, but that's no more than what hath been commonly practis'd by other Feudatorys, and proves nothing of *John's* having an absolute independent Jurisdiction. But he attempts further, and tells us, *The very express words of the Irish Statute, 33 Hen. 8th. c. 1. by which the Style of Dominus was chang'd to that of Rex Hiberniæ, are, And he (meaning K. John) being created King in the Parliament at Oxford, under the Stile and Title of Lord of Ireland, enjoy'd all manner of Kingly Jurisdiction, Preheminence and Authority Royal, belonging unto the Imperial State and Majesty of a King.* P. 41.

Hitherto I have not disputed any of the Authorities quoted by Mr. *Molynæus*, but here he must Pardon me, if I tell him, that if this will pass for an Authority in Ireland, yet  
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it will not with us : 'Tis only an *Irish* Act of Parliament, made as late as *Henry* the 8<sup>th</sup>'s time, that presumes that *K. John* did enjoy all manner of Kingly Jurisdiction, &c. without referring to any Record that was extant for proving that Assertion : So that this *Irish* Act of Parliament is at most but a Presumptive Authority, and therefore he ought not to think that we can be so far impos'd upon, as without better Proof than so saying, to grant that King *Henry* the second, and King *Richard* the first, disclaim'd all Title to the Dominion and Regality of *Ireland*, as if the same had been absolutely, without any reservation, vested in King *John* : Besides, even this Act of Parliament does not use the words *Absolute* and *Independent*.

But after all, though none of these Proofs will stand good on Mr. *Molyneux*'s side, I'll shew him, that this whole Business undeniably proves on t'other side, that King *John* could at best be made no more by this Donation than a Feudatory Kingly Lord,

Lord, as I have said before. Mr. *Molynex* hath told us, that King *John* in his Charters could not use any higher stile than that of Lord of *Ireland*; can any Body believe, that a Prince wholly and seperately vested in a Dominion and Regality, absolutely granted unto him without any Reservation, (as he says King *John* was) would content himself with any lower Title than that of King, unless he had been limited in it by a Superiour Authority? and was not that like to be this Act of Parliament? Can an Act of Parliament be said to make a King absolute and Independent, when at the same time it keeps a reservation of the Title? Is not this an Evident Demonstration, that they would not suffer him to be Independent, but that they laid that restraint upon him, to shew, that they would always retain in *England* the Supream Imperial Power over *Ireland*? How does Mr. *Molynex* know what Homage, Rent, or other Reservations were made? doubtless all the Records touching it are lost, and I presume,

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he has nothing stronger for this positive Assertion of his than the Old Historians, *Gir. Cambrensis*, *Rog. Hoveden*, *Mat. Paris*, &c. and they don't make out this Absolute Independent Title, without any manner of Reservation: Is it Sense, to think that a People should conquer, or intirely subdue a Countrey to themselves, plant a Colony there, and then but five years after give it clear away again, never to have any thing more to do with it? I would fain know what *Regalia* were granted to this absolute King: The Kings in *Man* may wear a Leaden Crown, I'm afraid King *John* was still but a Lord in that respect too, and that he had no Crown at all given him, else sure Mr. *Molyneux*, if he could have found any, would have told us on't. But what's worse than all this, is it possible for one and the same Man to be both an Independent King and a Subject, at one and the same time? It seems this Donation was not so absolute, but that he was still to continue a Subject (as indeed Feudatories

ries must to the Sovereignty to which they belong ) to Old *England*, and after all his absolute Kingship, 'twas his Misfortune to be try'd by his Peers, ( not as King of *Ireland*, but ) as Earl of *Morton*, who found him guilty of High Treason, and accordingly he was condemn'd, but at the Intercession of the Queen their Mother, King *Richard* gave him his Life. I doubt this was enough to loose his Independent Title to the Kingdom of *Ireland* for that time, unless Mr. *Molynæus* can find him out another Creation, which I believe could not be without another Act of Parliament ; but there happen'd to be no need on't, for as he succeed- ed to the Crown of *England*, *Ireland* came in again well enough in our Sense. Yet further to put this matter out of all doubt, 'tis a Maxim not to be disputed, that the Authority which grants, must always remain Superiour to that which receives the Grant, and therefore the Feudal Law determines that Homage and Fealty is inseparably annext to all

such Grants : And though Mr. *Molyneux* professes himself very well Learn'd in *The Laws of Nature, and*  
P. 117. *Reason, and Nations, and the Civil Laws of our Common-wealths*, yet it seems he is altogether unacquainted with this Feudal Law ; and if he had been but as well read in the Practice of the World as to these things, he might have been convinc'd, that the many Feudatory Princes still remaining in *Europe*, are not exempted from this Dependance : The Princes and Hans Towns of the Empire, if they are by length of Time grown up to a higher degree of Sovereignty, and do not so immediately depend upon the Emperour, who in his private Capacity was but Arch Duke of *Austria*, &c. and but one of the Eight Electoral Princes, yet they are still subject to the Supream Legislature of the Empire, and the Imperial *Avacatoria* reaches them : And thus we see, that how great soever that Jurisdiction was, which the King in Parliament granted to his Son *John*, he yet remain'd no more than a Subject



ject of the Kingdom of *England*, and was treated accordingly, in his being Try'd and Condemn'd by the Laws thereof. Moreover it may be noed, that upon his accession to the Imperial Crown of *England*, whatever Feudatory Royalty he had before, became now merg'd and extinguish'd in his own Person, which by reason of it's being Head and Supream, could not at the same time be capable of any Feudatory Subjection; so that there was an absolute determination of the Former Grant, which could not again be reviv'd but by a New Donation upon another Person. I hope I have now so far remov'd this main Pillar of Mr. *Molynex's* Structure, that I may take the Liberty as often as I shall have Occasion hereafter, to deny positively, that King *John* was ever made absolute King of *Ireland*, without any Dependance on *England*.

Here Mr. *Molynex* had brought his Argument up to a pitch, and concluded us under a perfect real Separation, and thus he puts it up-

p. 42. on us ; let us suppose, *That King Richard had left Issue, whose Progeny had governed England, and King John's Progeny had governed Ireland, where then had been the Subordination of Ireland to the Parliament, or even to the King of England ? Certainly no such thing could have been then pretended.* But this is but a Supposition, and fit for none but People of his size ; who take up Matters by Appearances and Presumptions, and assume the Confidence from thence to be positive in their Assertions, giving no allowance for the possibility of being mistaken : But we need not suppose in this matter, but may be confident, that the Supream Authority over *Ireland* must always have continued in the Kingdom of *England*, as it does at this day, and he hath made nothing appear to the contrary. *De non apparentibus, & non existentibus, eadem est ratio.*

Yet I can't but remark how he enjoys himself in this Supposition, when he thought he had gain'd his Point ; *Where then had been the Subordination ?*

*ordination ? if any such there be, it must arise from something that followed after the descent of England to King John ; for by that descent England might as properly be subordinate to Ireland as the Converse, because Ireland had been vested in King John twenty two Years before his accession to the Crown of England ; Yes, and 'twas the ancienter Kingdom too.*

Is it likely that King John, who had not before thought so well of his Kingdom of Ireland as to make it his residence, but chose rather to remain where he was but a Subject, when he was now become a real King of England, should be so far taken with the Fancy of the ancientest Kingdom, ( if it were so ) as to put the greater, and by many degrees the more powerful, more pleasant, and more civiliz'd Kingdom, in subordination to the less, which was then of no Power or Consideration in the World ? and that he should be better pleas'd with the Stile of Lord of Ireland, and King of England, than that of King of England, and Lord



of Ireland? or is it likely, that England who in that very Age had subdued Ireland, and added it to its Empire, should now be contented to submit it self, and become subordinate to Ireland, so as that the Administration of the Government there should direct the grand Affairs of England? is not this perfect Jest and Fooling with Argument?

p. 43.

But he tells us, *If perhaps it will be said, that this Subordination of Ireland to England, proceeds from Ireland's being annexed to, and as it were united with the imperial Crown of England, by several Acts of Parliament in both Kingdoms, since King John's time: This is well acknowledged, for it makes out clearly, that Ireland is a Kingdom as firmly united to the Kingdom of England, as the Legislature of both Kingdoms could do it: If he would yet distinguish between the Imperial Crown (as his words are) and the Kingdom, I have shewn before how there cannot be any such distinction in England. But though in the former Passage of John's being created*

created an Independent King by Act of Parliament, he shews himself to be quite overseen and blinded, by his depending so much upon it through the rest of his Argument; yet he perceives plainly, that a fair Inquiry into this Annexing, will not turn to account for him, and therefore although he is not wanting to be very particular and exact in his Numerous Quotations of other Authorities, yet here he is cautious of imparting any further Light into this matter, than just to tell us, there are several such Acts of Parliament both in *England* and *Ireland*: Surely these *English* Acts might be said to be binding upon *Ireland*, and therefore too they must be conceal'd, and we shan't have one Word of them anon, when he pretends to reckon up all those Statutes that the English Parliaments have made to affect *Ireland*: And I can't find that he meddles with it any more, tho' he says, that *He shall enquire more fully hereafter how this operates*: But for the present he only tells us, *That he conceives little more*

*is effected by these Statutes, than that Ireland shall not be alien'd or seperated from the King of England, who cannt hereby dispose of it otherwise than in Legal Succession along with England ; and that whoever is King of England, is ipso Facto King of Ireland, and the Subjects of Ireland are oblig'd to obey, &c. Doth not this strongly assert the Parliamentary Authority ? If he had said, that it should not be alienated or separated from the Kingdom, he had spoken English, and set the matter right ; but if he will insist upon so fine a Conceit, as to divide between the Political Capacity of the King, and the Kingdom, if it be not bad English, is however Language that cannt be understood in England.*

p. 44.

*Now he tells us of King John's going again into Ireland, about the Twelfth year of his Reign of England, where above Twenty little Irish Kings did again do Homage and Fealty to him, and he constituted the English Laws and Customs among them, placing Sheriffs and other Ministers, for the Administration of Justice*



*stice to the People, according to the English Laws.* This is a further Proof of the intire Resignation and Submission of the *Irish* to the Government of *England*. He goes on, *King Henry the Third, his ( King John's ) Son, in the first year of his Reign, granted to Ireland one or two Magna Charta's, ( but he owns that 'twas ) by the Advice of his English Privy Council.* Let it again be Observ'd, that this King did not transact this Matter by any seperate Authority, but did it in his Privy Council, which is exactly according to our Constitution, and that being the same Method in which all the Administration of the Government of the Kingdom of *England* was directed, it shews that those Kings govern'd *Ireland* in no other Manner than as a Member of the *English* Empire.

p. 45.

p. 46.

We agree with him, that all the Rights and Liberties of *English-men* were granted to the People of *Ireland*, that they had the Privilege of holding Parliaments, and in short, that they had a Compleat Jurisdiction  
and

and Form of Government settled and allow'd to be exercis'd among them, as far as was requisite for the well-governing and regulating the particular Management of the affairs of so considerable a People, that were now become a Member of the English Empire, and were seperated by Sea from the Seat of the Supream Government: Yet all this must be understood to be no otherwise than in Subordination to the Supream Authority of *England*, which is Evident, not only from the Reason of the thing, but also from the Practice that hath always been Observ'd. Can it consist with Reason to believe, that any powerful Government should subdue another Nation much inferiour to them in strength, place a Colony of their own people among them, make them Denizons and endow them in all the Privileges of their own Subjects, and yet because they gave them their Laws, and constituted the very same Manner of Government among them as was exercis'd by themselves, that therefore they

they could not be in any Subordination to the Kingdom that thus far subdu'd and settled them, but must ever after be esteem'd as a People fixt upon a distinct Foundation, and as much seperated from them as they were in the state of Nature? Sure this is too absurd to be insisted on. But the constant practice which hath been us'd in the Administration of that Government, from the first times of their becoming a Member of our Empire, shews that the Kings of *England* did never treat them as a Propriety of their own, and distinct from the Jurisdiction of this Kingdom; were not these *Magna Charta's* ( as his own Authorities prove ) given with the Advice of the Privy Council of *England*? and have they not always had Governours sent them from hence, whether under the Title of Lords Lieutenants, Deputies, Justices, Presidents or otherwise, and that not by the King alone, but nominated in the Privy-Council? and have not these Governours been accountable to our Parliaments for any Male-admini-



ministration there. All the prime  
 Motions and Supream Managements  
 of their Government, are likewise  
 consulted and directed by the King  
 in his Privy-Council here, such as  
 the Calling, Proroguing, or Dissolv-  
 ing of their Parliaments, and the Ap-  
 proving all their Acts, the Sending  
 over and Establishing what English  
 Forces shall be kept there, the Ap-  
 pointing all Officers Military and Ci-  
 vil, &c. Is this like a Separate King-  
 dom, an Independent Government,  
 or a Neighbour Nation as free as in  
 the State of Nature? Can any Man be  
 so ignorant as to maintain, that the  
 Privy-Council of *England* may have  
 Authority, where the Supream Legi-  
 slature, the Parliament, hath none?  
 Doth this leave room to say, that *Eng-  
 land* and *Ireland*, though govern'd under  
 one and the same Supream Head, yet are  
 as seperate and distinct in their jurisdic-  
 tions, as are the Kingdom of *England*  
 and *Scotland* at this day? The Privy-  
 Council of *England* never intermeddle  
 in the Businels of *Scotland*, the King  
 transacts the affairs of that Kingdom  
 through

through the Hands of the *Scotch* Secretaries, who always attend him in *England*; the Royal Family of the *Stuarts* were their Lawful Kings, and when our King *James* the First succeeded as Right Heir to the Kingdom of *England*, although he remov'd his Residence hither, because this was the much more Considerable Kingdom, yet no alteration could thereby be made upon their Jurisdiction, but the Constitution of their Government remain'd as entire within themselves as before; but this Author himself hath sufficiently made out, that the Accession of *Ireland* to *England* was in such a manner, as totally abolish'd their former Constitution, (if they had any) and subjected them to become a Member of the English Monarchy.

I think I have said enough of these Matters already, to set them in a truer Light than this Gentleman hath represented them, and shall not give my self the Trouble to Remark divers other Passages which result from the same Erroneous Way of Arguing,

ing, nor to meddle with his long History of what English Laws, and in what manner they were introduc'd into *Ireland*, more than to argue some few Points with him.

p. 56. He says, *If we now enquire what were those Laws of England that became thus establish'd in Ireland? Surely we must first reckon the great Law of Parliaments, &c.* Is it not the highest Sanction of the Parliamentary Authority, that all the Subjects of the Empire must obey its Supream Decrees? In receiving then this great Law of Parliaments, were not the People of *Ireland* for ever oblig'd as well as to all its former Statutes, so also to whatever it should for the future enact, concerning the whole Empire in which they now became comprehended? But Mr. *Molyneux* means that Law whereby all Laws receive their Sanction, The free Debates and Consent of the People, by themselves, or by their chosen Representatives. His drift in this is to perswade us, that because it was granted to *Ireland* to hold a Parliament within themselves, by their



their own Representatives, that therefore they ought not to be in any Subjection to the Parliament of *England*, wherein they have no Representatives; and 'tis upon this Point that he mightily values himself in much of his after Discourse, yet he cann't tye this Knot so fast, but that it may well enough be undone: This Parliament of theirs could not be granted them further than for the managing their own Affairs among themselves; but the Supream Legislature of the whole Body must be permanent and fixt in its Head, according to the first Constitution, and cannot be divided or granted away to any Member or Members of the Body: Can any thing grant away it self? A Father may grant his Son a great deal of Liberty, but he can never make any grant to divest himself of his paternal Relation. But Mr. *Molyneux* can have no Notion of Liberty, if a Man may be bound by Laws whereto he hath not given his Consent, by either himself or his Chosen Representative: A little Distinction now will make us agree this Matter; 'Tis yet no Oppression upon him, if

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he

he neglects to constitute a Representative, when the Privilege of doing it is not taken away from him : If a Man go abroad, and stay many years out of his own Countrey, shall he not be bound by the Laws made by the Community in his absence, because he gave no Assent, neither in his Person nor by his Representative ? In like manner if a Colony be settled abroad, shall not the Legislature of their Mother Countrey bind them, if they think fit to Enact concerning them, because they had no Representatives in it ? Yes, very reasonably, for that they are still Fellow-Subjects of the Community, and if they are permitted to live abroad for their Convenience, the main Body of this their Mother Country must not be hindred from acting what they shall find necessary for the Common Good, because of their absence, even although it should respect themselves; and this without depriving them of any their Just Rights, because their Liberty and Privilege still remain'd to them of choosing their Representatives

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tatives to the Supream Legislature, and they might have exercis'd it if they had stay'd at home, and may again, whenever they'll please to come in place. They have indeed an Authority delegated to them from the Head, to Enact such Laws in their Settlement, as may be requisite for the Circumstance of that place, but no such Privilege can ever be extended to rescind and abrogate their Allegiance and Subjection to the Head of the Empire: But I shall come to Enlarge further upon this by and by. And now to go on with Mr. *Molyneux*:

He speaks of two Acts made by the Parliament of Ireland, viz. 10th. Hen. 4. and 29th. Hen. 6. wherein it was Enacted, *That the Statutes made in England should not be of force in that Kingdom, unless they were allow'd and published there by Parliament.* It is not impossible, but that in those days there might be some People there who were of this Gentleman's stamp, for assuming as much power as they could, right or wrong, if they

P. 64.



could but colour it under the specious pretence of their Ancient Rights and Privileges ; and they might think the Reigns of those two Princes a Favourable Conjuncture for such an Attempt. The first of them got the Crown of *England* by his Sword, and manag'd things as smoothly and easily as possible, and perhaps never thought himself so secure as to exert the utmost Authority of his Government, on every Occasion that might offer. *Henry the Sixth* was a weak Prince, govern'd and manag'd at different times by the two Factions of *York* and *Lancaster*, from whence arise Civil Wars, and his own Deposing : A better time could never happen, than during the Troublesome Reign of this King to attempt such Innovations. But what if the Parliament of *Ireland* did enact a Law, derogating from the Authority of the Parliament of *England*, could this abate any thing of that Right which *England* had before ? But 'tis plain, that if they did any such thing, they did but think that English Acts of Parliament

liament could not in any case bind *Ireland*; for 'tis certain, both from the Reason of the thing, and former Practice, that in some Cases they might and did, and even in the Second Year of this King *Henry the Sixth*, ( as he quotes it ) the Staple Act, expressly naming *Ireland*, was made; surely the Parliament of *England* must consist of much more Considerable Men than the Parliament of *Ireland* in those days could, and they were most likely to know best what they had to do: And it seems as if the People of *Ireland* themselves had no Opinion of the Validity of these invalidating Acts, in Mr. *Molyneux's* Sense, because they did not plead them in Bar of the Staple Act, in the Case of the Merchants of *Waterford*, which he gives us hereafter. There is yet much more reason to believe, that these Statutes were made on the very Occasion which he hints, to remove Scruples, or satisfy the Judges in relation to some Laws for the administration of Justice that were extant in *England*, and they

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might

might have some doubt, whether they ought not also to obtain there, since the generality of the English Statutes were reciev'd in *Ireland*, and therefore the Parliament of *Ireland* for the clearing any such difficulty for the future, might possibly declare that such Statutes were not of force there, 'till they had been establisht by them. And I may easily grant him, that the End and Intent of the Institution of a Parliament in *Ireland* was, that as they were separated from *England* by the Sea, they should have Authority to make and adapt Laws among themselves, suitable to their own Circumstances, and fit for the well ordering of the Affairs of that Kingdom; and therefore the Parliament of *England* did not think fit to impose upon them such Laws as were from time to time enacted, suitable to the Occasions of the Realm of *England*, but left the People of *Ireland* at Liberty to choose or refuse such as they thought fit; and from this Reason it must be, that so many of the English Statutes as he instances, have been introduc'd into *Ireland*, by

passing



passing them into Laws in their own Parliament. The generous English Constitution doth not impose any Laws of this Nature, or for raising Taxes upon any of the Subjects of their Dominions, without their own Consent by their Representatives; this is **The Great Charter of Englishmen**. And because 'twas thought that the People of *Ireland* could not conveniently send Representatives to the Parliament in *Englaand*, they were therefore authorized to hold Parliaments among themselves for the transacting such Affairs; we allow it to all our Colonies in *America*; and even *Wales*, after their submitting to the Government of *England*, was not Taxt, 'till they were admitted to send their Representatives to Parliament. This I speak of such Laws which regard the administration of Commutative Justice, regulating their own particular Affairs, or raising Taxes. But there is yet a higher kind of Law inherent in the Constitution, whether it may be call'd the Law of Parliaments, or the Common-Law, I

leave it to Men of more Judgment in these Matters than my self to define it, but I mean that which comprehends the Subjects of the whole Empire, and must be of Authority to ordain certain Regulations which shall be binding upon the Whole in extraordinary Cases, where the well-being of the Universality is concern'd: *England* must be allow'd to be the Head of this Empire, from whence all its Members do derive their Being, and must depend for their Support and Protection, the Riches which she attracts from the Benefit of her Forreign Trade, is the only means she hath to support her Power, and maintain such Fleets and Armies as are requisite for the Defence of all her Territories, she must therefore prosecute all justifiable Methods for the preserving her Commerce, and hath the utmost reason to restrain her Members from any prejudicial interfering with her in her Trade, because this hath a direct Tendency to weaken her Power, and render her incapable of supporting the great Charge  
of

of her Government: For this end then, or the like Extraordinary Occasions, those Laws have been made by which the distant Dominions are bound, and such have been the Acts of Navigation, the Acts for hindering the Transportation of Wools from *Ireland* to Forreign Parts, &c. And though these Statutes are enacted when the Occasion requires, yet they are not so much to be lookt upon as New Laws, ( to use his own Expresssion ) as it were declaratory of the Supream Authority, virtually inherent in, and inseparably united to the Imperial Constitution; and which hath been always exercis'd by this Kingdom, and all other Governments that have had Colonies or Territories lying at a distance from them. 'Tis only the Exercise of this Supream Salutary Authority that the Parliament of *England* pretend to, and not to break in upon the Just Constitution so anciently granted, and ever since continued to the People of *Ireland*, of Enacting all such Laws by their Representatives  
in



in their own Parliaments, as they think fit to be governed by, or may be conducive to the well ordering the Affairs of their own Countrey; and therefore this Gentleman hath no Reason to Tax us so often as he does, with any Attempts upon their Rights and Properties, breaking in upon their old Settled Constitution, and rendring them the most unfortunate of all his Majesties Subjects, by weakning their Rights to a greater degree than ever was done before. If *Poyning's* Law be some Check to them, 'twas made in favour of the *English* Interest in *Ireland*, and Mr. *Molynex* finds no fault with it, but that still leaves them at Liberty to consent or dissent to such Laws as the King in his *English* Privy-Council may propose to them. The Rights that were granted them, were large enough to secure them in the full Enjoyment of their Liberty and Property, in the same Manner as if they had liv'd in *England*; these we have preserv'd to them inviolated, in as large a manner as ever they were granted;

granted ; let him shew any Law from *England*, that hath ever innovated upon their Judicatories, their Persons, or their Estates ; his Exclamations can no way be applicable to us, unless it shall appear that we have wronged them in such Rights as those : But this Supream Imperial Authority was never granted to them, nor can reside any where as long as the Monarchy lasts, but in the King, House of Lords, and House of *Commons* in *England* ; the absolute Separation he pretends to in the Person of King *John*, proves a Mistake, so that his many peremptory Conclusions drawn from thence must fall, as having no Foundation. The Progeny of *Englishmen* wherever they live, ( and are acknowledg'd to be such ) cannot be exempted from owing Allegiance to this Supream Jurisdiction ; 'tis known, that it hath Power to Command its Subjects out of the Territories of any other Prince, upon the highest Penalties, yea and to desert its Colonies, and call home the People, if Extremity shall so require : He that shall deny it these Powers

Powers, denies the very Essence of a  
 Supream Government ; and how hard  
 soever this Doctrine may seem to  
 People that have liv'd out of *Eng-  
 land*, and have never considered these  
 Notions, yet the Reason of the thing  
 must obtain upon every impartial  
 Man, and convince him, that other  
 Principles than these, would have a  
 Tendency to scatter and break to  
 pieces all Humane Societies, and bring  
 People back again into the State of  
 Nature. Men cannot therefore shake  
 off the Duty and Obedience they  
 owe to the Community, and say, that  
 an unbounded Liberty is the Right  
 of all Mankind, because this Liberty  
 was given from them when they  
 were in the Loyns of their Ancestors,  
 who consented to the Terms of the  
 Constitution, when they first entred  
 into Societies, and which must con-  
 tinue as long as that Society shall  
 have a Being. 'Tis plain then, that  
 all just Liberty must be bounded by  
 the Laws and Agreements of the  
 Community, and no Man ought to  
 challenge to himself more Liberty  
 than



than that allows him. To apply  
 this then to our Argument : The  
 People of *England* may not go out  
 of the Kingdom, and settle themselves  
 in any other Country, in manner of  
 a Colony, without leave first obtain'd  
 of the King, (as Head of the King-  
 dom ) neither may they enter into  
 a New Society, and erect a New  
 Form of Government different from  
 that of their own Country, in any  
 such Settlement, but they must have  
 Directions and Authority from the  
 King, by his Charters, Letters Pa-  
 tents or Commission, whereby he  
 grants them the Exercise of the Laws  
 of *England*, and the Power of call-  
 ing together their own Representa-  
 tives, to Enact such further Laws  
 (not repugnant to the Laws of *Eng-  
 land* ) as shall be requisite for the  
 good Government of their Affairs,  
 in relation to which they are left  
 to their own Liberty and Free-choice,  
 and not interrupted by the Govern-  
 ment of *England* : If after all this,  
 the King in Parliament shall find  
 these People or their Posterity, attempt-  
 ing

ing any thing in this Settlement, which if it be not stopt, must prove very prejudicial and destructive to *England*: Will any Man pretend to argue, that the Kingdom which permitted, assisted, and protected these People in their Settlement, hath no Authority left in her self, to restrain them in matters that tend to her own Hurt and Damage? And yet such Restraint is not to be accounted an Invading the Rights and Liberties of Englishmen; 'tis only a limitting them from acting or doing something in the Place where they are, that however profitable it might be to themselves, would yet be very damnifying to the greater Body of the Community, of which they are a Member; neither is this Restraint any more than in regard to the place, their Persons are still free, and they may if they please, return to their own Mother Country, and practice the same thing there, with as much Freedom as any other of their Fellow Subjects. If the Reader should think I have been too tedious upon this Point, I hope  
he'll

he'll consider, that if many Words be necessary at any time, 'tis then when we are to perswade People out of that wherein they believe their own Interest and Profit greatly consists.

I think the Report of the Case p. 90.

of the Merchants of *Waterford* is an Authority which very much confirms what I have said; but because he lays much stress upon it, not only here, but in another place, when he treats upon the Lord Chief Justice Cook's Opinion, I will transcribe the *Latin* Record at large as he gives it:

*Dicebant quod terr. Hibern. inter se* p. 91.

*habent Parliament. et omnimodo cur.*

*Prout in Angl. et per idem Parlia-*

*mentum faciunt Leges & mutant Leges*

*& non obligantur per statuta in Anglia,*

*quia non hic habent Milites Parlamenti,*

*sed hoc intelligitur de terris & rebus*

*in terris illis tantum efficiendo; (I be-*

*lieve it should be efficiendis) sed per-*

*sona eorum sunt Subject. Regis, et tan-*

*quam Subjecti erunt obligati ad aliquam*

*rem extra terram illam faciend. con-*

*tra Statut. sicut habitantes in Calesia,*

*Gascoignie, Guien, &c. dum fuere*

*Sub-*



*Subjeſti; et Obedientes erunt ſub Admi-  
ral. Angl. de re fact. ſuper Altum Mare;  
& ſimilit. brev. de Errore de Judicio  
reddit. in Hibern. in Banco Reg. hic  
in Angl.*

I ſhall now take the Liberty to vary ſomewhat from the Verbal Tranſlation, and render it in that ſenſe that I think this Opinion of the Judges of the Court of Exchequer may be taken: *They ſay that the Land of Ireland hath a Parliament within it ſelf, and Courts ( of Judicature ) every way like to thoſe in England; and that they make and Change Laws by ( the Authority of ) this ( their ) Parliament, and ( therefore ) the Statutes ( which are made to bind ) in England, do not bind them, becauſe they have no Representatives here, ( in the Parliament of England. ) But 'tis al- ways to be underſtood, that this ( the Laws made in the Parliament of Ire- land ) muſt only have relation to that Country, and to ſuch Matters as are tranſacted ( among themſelves ) there- in: But they ( the People of Ireland ) are in their Perſons Subjects of the*

*King*

*King, (and Kingdom of England) and as Subjects, they shall be oblig'd not to do any thing out of that Country, against Statutes, (made in England to prohibit them) like as the Inhabitants of Calais, Gascony, Guien, &c. while they were Subjects; and they shall be obedient to the Admiral of England in all things done upon the High Sea: In like manner also a Writ of Error upon Judgment given in Ireland, lyes from the Court of King's Bench in England. I Confess this Opinion is oddly worded, but I shall make no further Comment upon it here, having Occasion to speak at large to it in another place, where it will appear, whether the Sense which I have put upon it, may not be more agreeable both to the passage it self, and to the Opinion which we shall afterwards find the Lord Chief Justice Cook gave of it, than to that turn which Mr. Molyneux hath given it. But he Notes upon it, that upon a second Consideration of this Case before the Judges in the Exchequer-Chamber, the 1<sup>st</sup>. Hen. 7. Hussey the Chief Justice gave*

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his

p. 92.

his Opinion, *That the Statutes made in England shall bind those of Ireland; which was not much gain-said by the other Judges; notwithstanding that some of them were of another Opinion the last Term.* And he is offended at this Opinion, and suggests as if 'twas the Presence of the Chief Justice that influenc'd those other Judges, which had not been of the same mind: He Notes also, *That Brook in his Abridging this Case, makes a Note upon it, intimating thereby, that Hufsey's Opinion was not reasonable.* Yet this is no more than Mr. *Molynex's* Construction of this Intimation; but if he had any such Scruple, is it a strange thing for Lawyers not to jump in their Opinions in some Cases? yet it seems those that were present with *Hufsey*, and heard the Arguments, were so far convinc'd as to become of his Mind, without saying much against it: But I can't believe that Judges were so easily to be influenc'd, contrary to their Judgments, by a Lord Chief Justice then, more than now, when we have seen Two of them



them persist in an Opinion, against the other Ten. He Comments also upon the first Opinion in this Case, and says, that those Judges were not so concluding upon them as *Hussey*; *And they did almost seem to extend the Jurisdiction of the English Parliament over the Subjects of Ireland, only in relation to their Actions beyond Seas*: Even this is handle enough for us to lay hold on, for the doing whatever we shall think requisite for the preserving of our Commerce. But he says, *This will appear unreasonable, because by the same Argument Scotland may be bound by English Laws, in relation to their Forreign Trade, as they are the King's Subjects*. The Scots are Subjects of the King, only as he is King of Scotland, and we have no pretence to meddle in their Government; but *Ireland* is upon another Foot, 'tis not an Independent Kingdom; though it hath a Parliament, it is not compleat in its own Jurisdiction, but is subordinate to *England*, and they can transact nothing of weight in their Administration, without Orders and

p. 94.

Directions from the Government of England, all this I think is clearly made out already. But he makes all the advantage possible of the words, *Personæ eorum sunt subiecti Regis, &c.* and tells us, *If being the King of England's Subjects be a Reason why we ought to submit to Laws, (in relation to our Trade abroad) which have not receiv'd our Assent, the People of England will consider, whether they also are not the Kings Subjects, and may therefore (by this way of Reasoning) be bound by Laws which the King may assign them, without their Assent, in relation to their Actions abroad, or Forreign Trade; Or whether they had not been subjected to the King of France, if our Kings had continued in the possession of that Country, and then if France had been the strongest, it might seem that the Subjects of England might have been bound by Laws made at Paris, &c.* What a parcel of Argument is here? I repeat so much on't only to expose it. 'Tis evident, that the Judges in their Opinion, by the Words *Subiecti Regis*, mean the same thing, as if they had said

said Subjects of the Kingdom of *England*; for they say afterwards, that while they are Subjects, they shall be under the Admiral of *England*, &c. If they had said the King's Admiral, could we have thought of any other than the Admiral of the Kingdom? Having Noted this Distinction, I will say no more to the rest.

He tells us, that *In the Reigns of Edward the First, and Edward the Third, Knights, Citizens and Burgeses, were chosen in Ireland, to serve in Parliament in England, and that they have so served.* What? and could *Ireland* be then a distinct and separate Kingdom? Surely our Ancestors would scarcely then have admitted them to sit together with themselves in their Grand Senate. I hope after this, what I have before alledg'd of *Ireland's* having been always in the Condition of a Member of the *English* Empire, ever since its first accession, will never more be doubted: They have been, when the Circumstance of Time hath made it convenient, admitted to send Representatives to the *English* Parlia-

p. 96.



ment, and may again, if our Parliament think fit.

p. 100. He admits of the *Acts made in the 17th. of King Charles the First, for encouraging Adventurers to raise Money for the suppression of the Rebellion there, to be binding in Ireland, but then they were made for their Good; and afterwards when the Acts of Settlements were made by the Irish Parliaments, these English Acts were made of no force, which shews that they have a power of repealing such Acts made in England.* From hence 'tis apparent, that our Parliament have not been ready to exercise this Authority, but when the Welfare of the Whole Body requir'd it, and that they were then contented to take no Notice of such Alterations made by them, which might be needful and of use to them, and he hath reason to acknowledge their Tenderneſs to them in this respect: But I believe these *English Acts* were not repeal'd, and therefore this Instance will not maintain the Assertion which he raises from it; *That the Parliament of Ireland may repeal an Act*  
pass'd

*pass'd in England, in relation to the Affairs of Ireland.*

The Acts of King Charles 2d. Reign, p. 103.

*Against planting Tobacco in Ireland, for encouraging Shipping and Navigation, and for prohibiting the Exportation of* p. 104.

*Wool from Ireland to any Country except England, He acknowledges, Do* p. 104.

*name and bind them too, so as they do not transgress them, and he hath nothing to urge to take off their Efficacy; but how rightfully this can be done, is the*

*Question. I answer, by that Right which, as I have shewn before, must be inherent in the Supream Legislature of the English Empire, for conserving the Well-being of its Body.*

The Acts of his present Majesties Reign, he acknowledges *To be such* p. 106.

*as the Necessity of the Time requir'd, and to be made in their Favour; but*

*that these should be argued as a Precedent of their Submission, and absolute* p. 110.

*Acquiescence in the Jurisdiction of the Parliaments of England over that King-*

*dom, is what they complain of as an In-*

*vasion of their Legislative Right. We have Reason and Precedents enough*

to vindicate the Just Authority of the English Parliaments in these matters, and they are not under any necessity of dating this Power as commencing from the first of these Acts, not over thirty seven years past ; so that he need not be concern'd to think, that they can make any ill use of these Precedents : But whatever this Gentleman's Principles may be, his following Expressions seem very arrogant, from a Person who at first pretended to so much Submission ; but I hope the Body of the Protestants of Ireland understand their Duty, and their own Interest better, than to Offer at throwing off the Authority that the Kingdom of England hath for so many Ages had over them ; and I doubt not but they will believe, The hazard of doing it would be much greater, than any inconvenience they have ever found in England's way of Protecting them.

p. 112. We are now come to his Fifth Article, viz. *The Opinion of the Learned in the Laws, relating to this Matter* : And he begins with the Lord Chief



Chief Justice *Cook*, for whose Name he bespeaks a great deal of Respect, although he treats him but somewhat roughly; but this seems to be the Gentleman's particular Talent.

He says, the Lord Chief Justice *Cook* quotes many Authorities to prove that *Ireland is a Dominion divided and separated from England*, and in particular the fore-mentioned Case of the Merchants of *Waterford*, but he finds fault with him for citing it unfaithfully and brokenly. The Chief Justice doth indeed abridge it, ( and it seems by the alteration of the Words as if he had cited it by Head, not transcrib'd it out of the Book ) which is a thing not unusual, nor to be esteem'd a fault in such Authors, if they give the passage its due weight, and that I think he does, as to the matter for which he quotes it; but what he especially blames, is, that the Chief Justice upon the Words of the Report, *That the Statutes of England don't bind them*, ( *Ireland* ) adds in a Parenthesis, ( *which is to be understood, unless they be specially named* ) and that

P. 117. that *Herein he concludes magisterially, so it must be, this is my definitive Sentence, without giving any other Reason.*

It is not unusual for Men of this Judges Authority, when they Note their Opinion transiently, not to dilate upon it; if that be not the Point they are directly handling, yet Mr.

P. 117. *Molyneux* confesses, that In another place he gives this Assertion a Colour of Reason, by saying, That tho' Ireland be a distinct Dominion from England, yet the Title thereof being by Conquest, the same by Judgment of Law, might by express Words be bound by the Parliament of England. But this doth but make the Matter worse with him: He hath before enquired how far Conquest gives a Title: But he would fain know what Lord Cook means by **Judgment of Law**; whether the Law of Nature, and Reason, or Nations; or the Civil Laws of our Common-wealths, in none of which senses, he conceives, will he or any man be ever able to make out his Position. And now he gallops away with this, that there's no stopping

ping him for two or three pages, bespattering the Chief Justice all the way ; and though there is a great deal of his sort of Reasoning in it, yet I think it not worth the Readers Trouble to repeat more of it, than *That he conceives my Lord Chief Justice* p. 119.

*Cook to have applyed himself so wholly to the Study of the Common Laws of England, that he did not much enquire into the Laws of Nature and Nations, else sure he could not have been guilty of so Erroneous a Slip. Nay, This Assertion of his is* p. 120.  
*directly contrary to the whole Tenour of the Case he cites, for that very Act of Parliament on which the Judges debated, and which they deemed not to be of force in Ireland, does particularly name Ireland, so that here again Lord Cook's Error appears most plainly.*

Well, if he'll be but a little Cool, we may deal well enough with him in this Matter too, wherein he thinks he hath so much advantage : But now after all Mr. *Molyneux's* Inquiries, he hath not said enough to Convince me, that the Lord Chief Justice *Cook* is in the wrong,



wrong, to believe that *England* hath a Title to *Ireland* by Conquest : Nay, I do believe further of the Chief Justice's side, that that Conquest hath given her so just a Title to all that Supream Authority which she pretends to hold over *Ireland*, as that by Judgment ( or in Reason ) of Law, her Parliaments may bind *Ireland*, if nam'd in the Law, and that she is warranted therein by the Laws of Nature, Reason, and Nations, ( the Civil Laws of particular Common-wealths I don't understand ) and also by the Fundamental Laws of the Original Constitution of the *English* Government, and I have already endeavoured to make out this Position so clearly, that I shall say no more to it here, but leave the Matter referr'd to the Reader's Judgment. The Censure which he passes upon so venerable a Person as the Lord Chief Justice *Cook*, that he must be very little acquainted with the Laws of Nature and Nations, should methinks but ill become a Writer so little known in the World as Mr.

*Moly.*

*Molyneux*, especially when in this first Essay of his he hath discovered much more of his Assurance than Judgment. But now to Vindicate the Chief Justice from the gross Errors with which he Charges him, we must look back again upon the Opinion of the Judges in the *Exchequer-Chamber*, as he hath deliver'd it in Page 90, 91. They were Consulting, whether the Staple-Act, made in *England*, could bind the People of *Ireland*; they argue after this manner, *Ireland hath a Parliament of its own, which makes Laws for the ordering Matters among themselves, and therefore the Statutes made in England don't bind them*; by which they must mean such Statutes which are made in general Terms, and for the particular Occasions of *England*; for 'tis plain, that what they intend when they say, that *The People of Ireland, as Subjects of the King, are oblig'd to act nothing out of that Country against the Statutes, is, of such English Statutes as name Ireland*; for the Subject of their Debate was about a Statute wherein *Ireland*

was

was named. These Judges of the Exchequer do here make two Conclusions, that seem contradictory: First, They say our Laws don't bind them, but that is in respect of things transacted within themselves, where in the Parliament of *England* don't meddle; but then in the Second Place, They say, our Statutes did bind the People of *Ireland*, in Matters not relating to what was done within themselves, and therefore they Concluded that this Statute did, because they were particularly named, else there had been no such Dispute about it, and this reconciles both these Conclusions. Soon afterwards ( as is aforesaid ) when this Cause came to have a Second Hearing before the Judges in the Exchequer Chamber, the Chief Justice *Hussey* declar'd, *That the Statutes made in England shall bind those of Ireland, to which the other Judges agreed, without saying much against it*: But doubtless this Opinion is to be understood of such Statutes only which name *Ireland*; and as to this Statute they all agree, that it had its full Effect



Effect upon the People of *Ireland*: Where then is this Erroneous Slip of the Lord Chief Justice *Cook*? In repeating the Words of the first Opinion, that *Our Statutes don't bind them*, he Notes in a Parenthesis the Tenour of the latter Opinion, (*unless they be especially named*;) this is not contrary, but agreeable to both the former Opinions, how then doth he differ from them? indeed the first Opinion says only, that they should be obliged in matters done out of that Country: But *Hussey* and *Cook* take no Notice of this Distinction, but give their Opinion somewhat more General. *Cook* infers, that if *Ireland* be specially named, our Statutes do bind them, which still is not contrary to the Case which he cites, for that entirely agrees with him, excepting only in this difference, he infers that *Ireland* is bound, that asserts that the People of *Ireland* as Subjects of the King are bound, the Case stands stated alike to both, 'tis if they are named in an English Statute. If this Distinction will do Mr. *Molynæux* any good, let him

him enjoy it, for me it sufficeth, if I have shewn that the Lord Chief Justice Cook's Assertion is not directly contrary to the whole Tenour of the Case which he hath cited : He Notes, that the English Statutes don't bind *Ireland*, unless they are specially named ; this Case shews, that because *Ireland* was named in it, those Judges were of the Opinion, that the People of *Ireland* as Subjects were oblig'd to pay Obedience to this Staple Act, as far as it required ; I see therefore no contrariety to it in this his Assertion, but a great deal in that of Mr. Molyneux, where he says, *'Twas the Unanimous Opinion of all the Judges then in the Exchequer Chamber, That within the Land of Ireland the Parliaments of England have no Jurisdiction, whatever they may have over the Subjects of Ireland on the open Seas.* I appeal to the Words of the Opinion, whether it denies, that the Parliament of *England* hath any (*manner of*) Jurisdiction within the Land of *Ireland*, there's nothing in it so positive ; if it says, that *Ireland* hath a Parliament

ment within it self, it Notes also, that 'tis only for ordering of Matters fit to be transacted among themselves: If it says, that the Statutes in *England* don't bind them, because they have no Representatives there, it may well be understood of such Statutes that are directed for the particular Occasions of *England*, wherein *Ireland* is not named; it doth not in the least offer at the denying the Jurisdiction of the Parliaments of *England*, in naming *Ireland*; for it directly concludes them to be Subjects of the King, which cannot be meant in any separate Sense from the Kingdom, because it says, they shall be under the Obedience of the Admiral of *England*, and the King hath no Admiralty or Navy distinct from the Kingdom: Nay, their quoting the lying of a Writ of Error in the Courts of *Ireland*, (after they had own'd them to have such Courts, as well as a Parliament, in the very same manner as those in *England*) from the King's-Bench in *England*, could be he here to no other purpose,

H



pose, than to shew that *England* had Jurisdiction over *Ireland* in some Matters ; and certainly where *England* has any Authority at all, it cannot be severed from the Supream Legislature. But since he lays so much stress upon the Words, *Ad aliquam rem extra terram illam faciend.* ( though it is to be Noted by the way, that this Deliberation was upon a Statute respecting only matters to be done out of the Kingdom ) yet I'll do him all the Reason possible, and if I should take the Words in the strictest sense he puts them, and grant that those Judges at that time had not considered the Matter further, than to think that the Jurisdiction of the Parliaments of *England* did not extend to enact Laws, binding within the Land of *Ireland*, he must yet allow, that Judges are sometimes mistaken in their Opinions, and we do not admit their Sentences to have the force of Laws, as neither will he himself the Opinions of the Lords Chief Justices, *Hussey* and *Cook* ; if then the Reason of the thing, as well as ancient

cient Practice, be quite otherwise,  
( as I hope I have sufficiently shewn  
in this Case ) we may very warrant-  
ably conclude this Opinion of these  
Judges to be Erroneous, if they in-  
tended it in the same sense which Mr.  
*Molynæus* takes it.

He hath not yet done with the  
Lord Chief Justice Cook, but tells us,  
*That this Assertion is likewise incon-* p. 121  
*sistent with himself in other parts of*  
*his Works, where he says, that the Laws*  
*of England had been granted to Ireland,*  
*and thereby Ireland being of it self a*  
*distinct Dominion, and no part of the*  
*Kingdom of England, was to have Par-*  
*liaments holden there, as in England.*  
The Chief Justice might well say,  
that *Ireland* had a distinct Domini-  
on, and Parliaments within them-  
selves, every Body must own it need-  
ful, because of their being divided  
from *England* by the Seas, that they  
might thereby be enabled to regulate  
Matters among themselves, as the  
Circumstances of Time and Place  
should require. May not the City  
of *London* be said to have a kind of

a distinct Dominion, and a sort of a Parliament held within themselves, even after the Pattern of the Grand Parliament of the Kingdom? the Lord Mayor, after the manner of the King, calls and dissolves their Assembly; the Aldermen (after once Chosen) have Right of Session for their Lives, as the House of Lords; the Common Council-men (resembling the House of Commons) are chosen Annually by the Respective Wards, (like the Counties) all these assemble in Common Council, and there Enact Laws for the good Government of the Citizens, which the Grand Parliament rarely, if ever, controul; and though their Jurisdiction be much less than that of *Ireland*, yet it is a certain Jurisdiction, so firmly establisht, as that it's held that it cannot lawfully be taken away, or altered, by any Power in *England*, but the Supream Legislature, and that it must stoop to; and the same the Lord Chief Justice *Cook* says of this distinct Dominion of *Ireland*; that notwithstanding it hath a Power, Jurisdiction, and Authority,



thority, which is compleat within it  
 self, yet it must pay Obedience to  
 the Supream Legislature of *England*,  
 whenever any Extraordinary Occa-  
 sion shall make it needful for that  
 to name it specially ; and therefore  
 the Tenour of his Judgment upon  
 this whole Matter shews, that by his  
 terming them no part of the King-  
 dom of *England*, ( because they have  
 such a distinct administration among  
 themselves ) he does not in the least  
 intend, that they should be lookt  
 upon so separated, as to be out of all  
 Reach of the Supream Imperial Au-  
 thority of *England* ; so that in all this  
 there appears no Inconsistency ; he  
 never asserts what Mr. *Molynaux* as-  
 sumes, that the King and Parliament  
 in *Ireland* is a Legislature equally as Su-  
 pream as that of the King and Parlia-  
 ment in *England*, and it must be very  
 unaccountable in any one to do so,  
 who knows that all Irish Acts of Par-  
 liament must be approv'd in the Privy  
 Council of *England* ; I'll warrant him,  
 they'll take care that they shall ne-  
 ver Enact different or contrary Sanctions, p. 121.

so that he need not from this fear  
 the Consequence of *Ireland's having*  
*two Supreams.* He hath one Touch  
 more at the Lord Chief Justice Cook;  
 p. 122. he quotes him, saying, *If a King hath*  
*a Christian Kingdom by Conquest, (as*  
*King Henry the Second had Ireland)*  
*after the Laws of England had been*  
*given them for the Government of that*  
*Country, &c. no succeeding King could*  
*alter the same without Parliament:*  
 Which by the way, seems nothing  
 contradictory to all that Mr. *Moly-*  
*neux* hath quoted, of what he says  
 concerning *Ireland*, but is a farther  
 Indication that his Opinion was al-  
 ways steady, that the King and Par-  
 liament of *England*, and not the King  
 alone, held the Supream Authority  
 over *Ireland.* And now he *Hath done*  
*with this Reverend Judge*, and I am  
 very glad on't, because I doubt I  
 have tyr'd my Reader with such an  
 abundance that I have been forc'd to  
 say for the Judg's Vindication; but to  
 make amends, I'll try to divert him  
 a little, by telling a short Story upon  
 my self: When I was a Boy, I thought  
 once

once that I had espy'd a Fault in a Performance of my Master's, and I had the assurance to tell him on't; he first fairly convinc'd me, that I had not taken the thing right, and then very gravely told me with a bent Brow, that 'twas more like my Boyish Confidence to find Faults where none were, than the Solidity of his stronger Judgment to commit such.

Now for *Pilkington's Case*: *The King first grants a Patent for an Office in Ireland, to be held by Pilkington or his Deputy; but after this, the same King grants the same Office to A, who who sues for it, and pleads an Act of Parliament in Ireland, that no Person might execute any Office there but in his own Person, on pain of Forfeiture; he proves that Pilkington acted by a Deputy; the Judges thereupon decide in favour of A.* What's this to the Parliament of England's Jurisdiction over Ireland? it shews no more, than that the Judges of Ireland were of the Opinion, that the Kings Letters Patents could not over-rule an Irish

p. 122.



Act of Parliament. Indeed he tells  
 us, that in the Pleadings 'twas offer'd,  
 p. 124. *That Ireland time out of mind had  
 been a Land separated and distinct from  
 England, and ruled and governed by its  
 own Customs, that they could call Par-  
 liaments within themselves, &c.* It seems  
 two of the five Judges held this Pre-  
 scription void, and tho' I will not dis-  
 pute ( as it seems they did ) about the  
 Word Prescription, yet 'tis well known,  
 that what Jurisdiction they had, was  
 granted them by the Supream Au-  
 thority of *England*, and I know no  
 Body denies it them, only we can't  
 admit them to strain it, beyond what  
 was ever intended : It says further,  
 that *Two of the Judges affirm'd, and  
 the other three did not deny, that a  
 Tax granted in England, could not af-  
 fect Ireland, except it be approv'd in  
 the Parliament in Ireland :* This is  
 not what we Contest about, I never  
 heard that *England* did ever raise  
 Taxes upon any Members of her  
 Empire, without the Consent of their  
 Representatives.

As for the Merchants of *Water-  
 ford's*

ford's Case, we have both said enough to that already: That of the Prior of *Lanthony in Wales* comes next; He *sues the Prior of Mollingar in Ireland, for an Arrear of an Annuity, and obtains Judgment against him, both in the Common-Pleas and Kings-Bench in Ireland; Mollingar Appeals to the Parliament in Ireland, and they Revers'd both Judgments; upon this Lanthony removes all into the King's Bench in England, but that Court would not meddle in it, as having no Power over what had pass'd in the Parliament of Ireland: Lastly, He Appeal'd to the Parliament of England, and it does not appear that they did any thing in it.* What of all this? The Court of *King's-Bench in England*, although they had Authority to determine upon Matters brought before them by Writ of Error out of *Ireland*, yet they did not believe, they had any Power over the Parliament of *Ireland*: Doubtless they were in the right; but it seems 'twas then believ'd that the *English* Parliament had, else *Lanthony* had never Petition'd;

tion'd ; but it does not appear that they did any thing upon this Appeal, the Petition only being entered at the end of the Roll : Why ? that's a plain Sign, that 'twas the very last thing of the Session, and the Parliament was Dissolv'd, Prorogu'd, or something, before they could go upon it, or perhaps the Matter was agreed, or the Prior's dead before next Sessions, or fifty Reasons more that might be offer'd against his sleeveless Suggestion, *That the Parliament of England did not think themselves to have a Right to enquire into this Matter, because nothing more than the Petition is found upon Record* ; but I'll tell him a better Reason of our side, 'tis not probable that they would have receiv'd the Petition, if they did not believe they had Right to decide upon it.

The next thing is about the Acts of Recognition, and this he begins p. 127. with an ingenious Confession, *That the Kingdom of Ireland is inseparably annex to the Imperial Crown of England, and the Obligation their Legislature*



ture lies under by Poyning's *Act*, makes this Tye indissoluble : This is enough to make out all our Pretensions upon them ; 'tis strange to see a Man writing a Book against the Natural Consequences, when yet he so easily agrees upon the Premises. The Imperial Crown of *England* denotes the Supream Authority of the Kingdom ; the Material Crown is but a Badge of this Authority, and is given to the King, not as his own separate Propriety, but as an Ensign of the Authority which he enjoys, as Head of the Kingdom ; if any Body should steal this Material Crown, and break it to pieces, as *Bloud* did, the Supream Authority of the King and Kingdom remains entire and inviolated : This Supream Authority always resides in the Legislature, which in our Constitution is inseparably vested in the King, Lords, and Commons ; there can be no annexing to the Imperial Crown of *England*, distinct from the Supream Imperial Authority of the Kingdom ; if any Territory shall be annexed to this Imperial

rial Crown, it must become a Member of the Empire, otherwise 'tis no annexing ; and because there can be but one Supream Legislature, every Member or part of the Empire must be in some Subordination to that Supream Legislature, whatsoever other Jurisdiction it may retain, as necessary to its own particular Regulations within it self ; otherwise it can be no Member, but must remain a perfect Body of it self. I think these are Positions that won't easily be disprov'd, and we have a compleat Instance of them in the Kingdoms of *Scotland* and *Ireland*, as they stand related to *England* ; *Scotland* is an ancient, distinct, and ( saving the old Pretensions of *England* upon them ) independent Kingdom, hath an Imperial Crown of its own, worn by a long Succession of Kings, whose Posterity came to inherit the Kingdom of *England*, and remove their Seat hither, yet 'twas not in their Power to annex the Kingdoms, without their Joint Consent, so that they remain an intire Sovereign Kingdom,  
govern'd

govern'd according to their own Constitution, without any Subordination to *England* to this day ; and therefore in the late Happy Revolution, when King *William* and Queen *Mary* had obtain'd the intire possession of the Crown of *England*, they did not pretend to that of *Scotland*, 'till the States of that Kingdom had conferr'd it upon them by a free Election. On the contrary ; *Ireland* ( whatever it was anciently ) was no intire Kingdom, when the *English* first took Possession of it, but divided into many Jurisdctions, under Petty Princes ; it had never any Diadem or Ensign of Royalty, that ever I could hear of ; it was entirely subdued, and brought under the English Government by Conquest, ( as all Authors, except Mr. *Molynaux*, agree ) it was brought into the form of a Kingdom, and afterwards had that Title conferr'd upon it, and was endow'd with Laws, and a Constitution of Government, by the Authority of *England*, who from the Beginning reserv'd and exercis'd a Superiority over them ; and

( Mr.



(Mr. *Molynæus* being quite mistaken in the Grant made to King *John*) it was never separated from being a Member of the Empire of *England*, but (even as Mr. *Molynæus* confesses) remains annexed to it to this day. The Supream Legislature of *England* (then in being) presented the Title of it to King *William* and Queen *Mary*, at the same time with that of *England*, without asking the leave of the People of *Ireland*; in like manner, they have proclaim'd all the English Kings with that Title at their first Accession, and have, as he owns, concluded *Ireland* in all Acts of Recognition. What if the Parliaments of *Ireland* have also recogniz'd? 'twas but to own their Allegiance; our Kings were as effectually vested in the Dominion over *Ireland* before, by the Authority of *England*, and double doing in such a Case can be no harm; neither can this be any Argument to prove, *Their having all*

p. 128. *Jurisdiction to an Absolute Kingdom belonging, or that they are not subordinate to any Legislative Authority on Earth.*

Now

Now he tells us, *As the Civil State* p. 128.  
*of Ireland is thus absolute within it*  
*self, likewise so is the Ecclesiastical ;*  
 and just so it is, but that is without  
 any absoluteness in either. The mul-  
 titude of the Native *Irish*, and the  
 Old *English*, were doubtless very  
 averse to the Establishment of the  
 Reformed Religion, because they have  
 continued Roman Catholicks ever  
 since ; and yet this Reformation was  
 begun there by no other Authority,  
 than an Order of the King and Coun-  
 cil in *England*, to the Lord Deputy,  
 to Cause the Scriptures and the Com-  
 mon Prayers to be us'd there, in the  
*English* Tongue ; from whence 'tis  
 evident, that they did not then think  
 their own Ecclesiastical Jurisdiction  
 so absolute, as that they could op-  
 pose it to the Authority of *Eng-*  
*land.*

He quotes a Record out of *Reyley*, p. 129.  
*That Edward the Second, upon a Mo-*  
*tion of his Parliament at Westminster,*  
*had sent his Letters Patents to the*  
*Lord Justice of Ireland, that he should*  
*Order that the Irish might enjoy the*  
*Laws*

*Laws of England concerning Life and Member* : From whence he infers, *That the Parliament did not then think, that they had Jurisdiction in Ireland, otherwise they would have made a Law themselves to this effect* : Can this be any more than an Instance of what I have all along said ? that our Parliaments have always been willing to leave the People of *Ireland*, as much as possible, to the Exercise of their own Form of Government, in Matters relating to themselves, and not to interpose their own Supream Authority, but upon Extraordinary Occasions, wherein the Welfare of the whole was concerned ? But can it be any Argument, that they thought they had no such Authority, because they did not think fit on this Occasion to use it ?

Mr. *Molynaux* finds, that the lying of a Writ of Error from the King's Bench in *England*, on a Judgment given in the King's Bench in *Ireland*, lyes heavy upon him, and therefore he labours mightily, and turns it every way to get rid on't ; first he says,

'tis



'tis *The Opinion of several Learned in* p. 131.  
*the Laws of Ireland, that this is found-*  
*ed on an Act of Parliament in Ireland*  
*which is lost.* How Learned soever  
 this Opinion may be, I am sure 'tis  
 not very Judiciously offer'd here; for  
 no Body will believe that the Legi-  
 slature of a Kingdom that thought  
 it self absolute, could do so foolish a  
 thing as to make a Law themselves,  
 that should put them under the Admi-  
 nistration of another Kingdom, in so  
 high a point as the Controuling all  
 their Judicatures; and therefore if ever  
 they made such an Act of Parlia-  
 ment, 'tis not to be doubted but that  
 at that time they were very sensible,  
 that whatsoever Authority they had  
 among themselves, was all deriv'd  
 from, and in perpetual Subordination  
 to the Supream Authority of Eng-  
 land. Indeed he comes and says af-  
 ter, *That this Suit is made to the King* p. 136.  
*only, the matter lies altogether before*  
*him, and the Party complaining applies*  
*to no part of the Political Government*  
*of England for Redress, but to the*  
*King of Ireland only, who is in Eng-*  
 I land:

land: *That the King only is sued to, the Law books make plain, &c.* for above two Pages. Fine, very fine spun are these Arguments, but withal so extream slight, that they won't hang together: If the King was ever us'd to sit there in Person, was there not always four English Judges constituted in that Court, (whom the King in those days could not remove at pleasure) who had Authority to judge, whether the King were present or absent? Or does he think, that when an Irish Appeal came before them, these Judges could not meddle in it? or if they did, whilst the King was present, they were all on a Suddain swallowed up, or consubstantiated into the King? or if they acted in his absence, an Irish Cause would immediately transubstantiate them all four into the real presence of one King of *Ireland*, in his proper Person? But if this should be too gross to put upon Mr. *Molyneux*, we must e'en resolve it t'other way, and conclude, that he thinks the Judges and Courts of Judicature are no part of the

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the Political Government of *England*:  
 He hath abundance of other pretty  
 Conceits, how and which way this  
 Business of the Writ of Error might  
 come about, and in what sense it  
 may be thought to operate; but I'll  
 leave him in the quiet and peace-  
 able Enjoyment of them, because I  
 think it not worth while to trouble  
 my self or the Reader more about  
 them: We may be sure he would  
 not have us to Conclude, *That if* p. 139  
*the King's Bench in Ireland be subor-*  
*dinate to the King's Bench in England,*  
*that therefore it must follow, that the*  
*Parliament of Ireland is subordinate to*  
*that of England;* and though, as he  
 sees, we have a very good Argument  
 for that, *a fortiori*, yet what I have  
 said before may satisfy him, that we  
 have other Demonstrations enough,  
 to assure us in the constant Subor-  
 dination of that Kingdom to this,  
 besides the lying of this Writ of Error,  
 which the very Reason of the thing  
 (maugre all his Endeavours to shift  
 it) will evince, that this prehemi-  
 nence must infallibly have been pre-



serv'd to England from the first annexing of Ireland; for after they were become obliged to be rul'd and govern'd by our Laws, whether should they resort to have them explain'd, but to that Authority that gave them?

I can't omit observing, how very pertinently *He concludes this his Fifth Article, with a Memorable Passage out*

p. 140. *of their Irish Statutes: And what is the Act of Faculties made in England the 28th. Hen. 8. reciting a former*

*English Act, in the Preamble of which 'tis declar'd, That this your Graces Realm Recognizing no Superior but your Grace, hath been, and yet is free from any Subjection to any Man's Laws, but only such as have been devised within this Realm, for the wealth of the same, or to such others, as by sufferance of your Grace, and your Progenitors, the People of the Realm have taken at their free Liberties, by their own Consent; and have bound themselves by long use and Custom to the Observance of, &c. Now this very*  
*Decla.*

*Declaration, with the other Clauses of the said English Act, is Verbatim recited in the Irish Act of Faculties.* Behold the mighty force of this Argument! The People of *England* did in an Act of Parliament make a Declaration of their ancient undoubted Rights and Liberties, proper and peculiar to their own Constitution: The Parliament of *Ireland* pass the same Act there, and take upon them to ape the very Words of this Declaration in their Act, though the same could not be proper or rightly applicable to the Circumstances of their Constitution, (for the Laws given them at first from *England*, were never devised within that Realm) therefore the People of *Ireland* cannot be under any Subordination of the Parliament of *England*.

And now he's come to the 6th. p. 142.  
and last Article, viz. *The Reasons and Arguments that may be further offered on one side and t'other in this Debate*: And here Mr. *Molyneux* opens a very diverting Scene, but fitter for

p. 142. Ridicule and Disdain than Argument :  
 He tells us, *There remains another  
 pretence or two for this Subordination  
 to be considered ; and one is founded on  
 Purchase : 'Tis said, that vast Quanti-  
 ties of Treasure has been spent by Eng-  
 land from time to time, for reducing  
 Ireland, which has given them a just  
 Title at least to the Lands of the Re-  
 bels, and to the Absolute Disposal there-  
 of in their Parliament, according to the  
 Examples in Forty One, and the late  
 Rebellion in this Reign.*

I am sorry that he has so little  
 sense of the great Benefit which the  
 Protestants of *Ireland* have receiv'd,  
 by the interposing of the English  
 Power in their Favour. 'Tis not to  
 be disputed, that the late King *James*  
 had all the Hæreditary Right that  
 was entail'd upon their Independent  
 (as he terms him) King *John* ; and  
 although he had Abdicated the Crown  
 of *England*, yet by this Gentleman's  
 Notions, he had still an undoubted  
 Title to the Kingdom of *Ireland*,  
 which he came to possess, by the  
 assistance of a very considerable Pow-  
 er



er from *France*; and ( if Mr. *Molyneux's* Doctrine be sound ) could any body then blame the *Irish*, and Old *English*, of his own Religion, to join with him, in the asserting his ancient Right to that Kingdom? For my own part, I must own, that I know no other Reason that can justify us in our engaging in that War, for the Recovery of *Ireland*, than the Old *English* Principle, that *Ireland* was our own, as an inseparable Member of the *English* Empire; and I am sure, all the *English* Protestants of *Ireland* were then glad to have us assert that Right, or else their fair Estates in that Country must have left the greatest part of them to go a Begging at this day, unless perhaps they could have reconcil'd themselves by turning Papists; it being well known, that they were so far from valuing themselves upon their own Strength, that (excepting that Gallant and Resolute Resistance made by the People of the North, at *London-Derry* and *Inniskilling* ) they gave up all, and generally ( meaning the People

of Note) fled to *England*; (though many are of the Opinion, that they might have done more for themselves than they did, if they had staid :) Thus were their Estates lost to them, beyond hopes of Recovery, but by the strength of *England*: Indeed when we had sent over an Army, some of them went back again, and together with those that remain'd in *Ireland*, did expose themselves, and acted a fair part in the War; yet all they were able to do, was so inconsiderable, in regard of the whole Management of the War, that I believe it won't be pretended, that we were made Masters of *Ireland* one day the sooner for their help. The vast Charge of an Army, Arms, Artillery, Ammunition, Provision, Shipping, &c. all this have we born, and paid for, by raising Taxes upon our own Estates, when we knew they were not able to Contribute any thing themselves; and after all this, what of a Man can have the Impudence to dispute with us, whether we have any Right to the forfeited Estates in *Ireland*?

land? If the Kingdom of *England* hath no just Jurisdiction over *Ireland*, I will affirm, that the *Irish* were in no Rebellion, but were in the Exercise of the Natural Allegiance, and in the Discharge of that Duty which they ow'd to their Lawful King; there was no Act of their Parliament to declare King *James* abdicated, and the Throne vacant, neither indeed was there any pretence for it; because he came, and was actually present among them, and in the full Exercise of his *de facto* Kingly Power, as to them: But (as I said before) the People of *England* having in their Convention (which at that time was the Representative of the Nation) conferr'd the Crown of *England* and *Ireland*, and all other Territories and Dominions belonging to the English Empire, upon King *William* and Queen *Mary*; the Kingdom of *Ireland*, as a Member of the *English* Body, was as much bound to submit to that Revolution, as *New-England*, or any of the rest of our Colonies; and therefore the Opposition



tion made by the *Irish* against it, was a perfect Rebellion, and render'd them liable to all the Pains and Penalties which the Municipal Laws of the Kingdom could inflict upon Rebels : This then justly forfeited their Estates to the King, as he is the Head, but not as in any separate Capacity from the Kingdom of *England* : We know however, what Authority the King hath to dispose of these Estates, to such as may have deserv'd well ; and if the Parliament of *England* shall acquiesce therein, that's no Argument that therefore they have no Authority to intermeddle in that Matter, and their former practice ( as he confesses ) hath shewn the contrary.

P. 143.

He owns, that *In a War, the Estates of the Unjust Opposers, should go to repair the Damage that is done ; but theirs do not resemble the Common Case of Wars between two Forreign Enemies, but are rather rebellions, or Intestine Commotions. And so we say. But,* he continues, *If the Protestants of Ireland, by the Assistance of their Brethren of England, and their Purse, do*  
*prove*

*prove Victorious* : A fine Turn indeed ;  
 the Matter of Fact is, that the Army  
 of *England* prov'd Victorious, and that  
 without any thing that might reasona-  
 bly be call'd Assistance from their Bre-  
 thren, ( as he, though somewhat assu-  
 mingly in this case, calls themselves )  
 the Protestants of *Ireland*, and yet  
 forsooth the Victory must be theirs :  
 No Man of Modesty, as this Gentle-  
 man would bespeak himself, could  
 dare to put upon the World at this  
 rate. Well, but he tells us, *The* p. 143.  
*People of England ought to be fully re-*  
*paid ; but then the manner of their Pay-*  
*ment, and in what way it shall be levy-*  
*ed, ought to be left to the People of*  
*Ireland, in Parliament Assembled.* He  
 owns the Debt, and that we ought  
 to be paid, but how, and which way,  
 and when, ought to be left to them ;  
 a pretty New-fashion'd Priviledge  
 this Gentleman is inventing for his  
 Country ; provided they own the  
 Debt, the Creditor must be content-  
 ed without any Security, without  
 any Terms, and ( consequently )  
 without any Interest, how long so-  
 ever

ever he may be kept out of his Money ; he ought to leave all that to the Good Will and Pleasure of his Honest Debtor ; but I believe Mr. *Molyneux* would be loth to pass for such a Fool, in his own way of Dealing in the World, and sure he must measure us by an *Irish* Understanding, if he thinks this sort of Reasoning will go down with us. He goes on, *And so it was after the Rebellion of Forty One* ; that's a Mistake, ( though it deserves a harder Word ) for he tells us, *The Adventurers had several Acts of Parliament made in England for their reimbursing, by disposing to them the Rebels Lands* ; so that it was not then left at the Discretion of the

p. 144. People of Ireland : But after all, it was thought reasonable, that the Parliament of Ireland should do this in their own way, and therefore the Acts of Settlement and Explanation made all the former English Acts of no force, or at least did very much alter them in many particulars. Here 'tis plain, that Acts of Parliament were made in England, for disposing the forfeited Estates



Estates of *Ireland*, which were believ'd to be of Validity, and a sufficient Security to the Adventurers at the time when they were made, otherwise People would not have advanc'd their Money upon them; and though I am no Lawyer, and don't think it concerns me to look after those Acts, yet from the Reason of the thing, I can't believe that those Persons that advanc'd this Money, could afterwards be legally depriv'd of the Interests granted them by those *English* Acts, by any after Authority of an *Irish* Parliament: If any were, I would advise them yet to sue to an *English* Parliament for Relief. 'Tis true, there had happen'd a Revolution, and perhaps some People that had those Lands, might be lookt upon as under Delinquencies to the Government that then came to be uppermost, and we know that some of the *Irish* Papists were very strangely restor'd to their Estates, and the Possessors put out; yet if some Injustice was done, at such a time when many things were carried by Extreams,

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nothing will prove an invalidating of those English Statutes, less than either a total Repeal of them, and that he seems not to stand upon here, (though he suggested it in another place;) for he only says, they were made of no force, or at least were very much alter'd in many particulars; which is a certain Sign they were not repeal'd: Or to shew that they were so altered, as to take away all the Lands that were possess'd by any of those Adventurers, or their Descendents, by Virtue of those Acts of Parliament: If that can't be made out, (which sure he won't pretend to) it will remain, that those English Acts of Parliament did really dispose of the Rebels Lands in *Ireland*; and if there be any after Settling or Confirming them to the Safety of the Proprietors, by Act of Parliament in *Ireland*, that cannot impeach the Authority of the first Acts.

P. 144. Well, he still allows, *That we shall be repaid our Expences; all they desire, is, that in preservation of their own Rights and Liberties, they may do it in their own*  
Me-

*Methods, regularly in their own Parliaments: And if the Reimbursement be all that England stands on, what availeth it, whether it be done this way or that way, so it be done? A pretty loose way of Talking this; he speaks as confidently of reimbursing us, as if that were a small matter, and they had this way and that way, ways enough to do it; and they are so well prepar'd, that they desire nothing else but Liberty, to let them do it in their own Methods. I am sorry we han't heard one word like this offer'd in their Parliaments, 'twould have lookt much better from them, than from Mr. *Molynex*, to have taken Notice of this great Debt to *England*, and to have at least declar'd their Intent of paying it; but he is a Member, and perhaps he knows their Minds better than I do; and because he proposes so fairly, I am willing to strike a Bargain with him; if he'll undertake on the Behalf of *Ireland*, I'll undertake on the part of *England*, that if they are in good Earnest, willing and able to pay us  
this*



his Debt, the Parliament of *England* (and I hope my good Intention in this matter, will obtain their Pardon for my presumption) will leave them intirely at Liberty, to raise it according to their Methods, as regularly in their own Parliaments as he desires; and this being (as he says) all they ask, let him but publish himself in Print once more, and engage to pledge his own Estate (which by the way he may value the less, by how much he is indebted to me, and the rest of the good People of *England*, for what we have paid to redeem it) to the Publick, for the performance; I'll engage not only my Estate (which is somewhat to me, if it be not so great as his) but my Life too, that the Parliament of *England* will assent, to give them what time they please, for the payment of the Principal, if they can but give Security for the payment of the Interest at 6 per Cent. (though the Interest of *Ireland* is 10) and I believe I might adventure to promise, that upon the performance of such Articles,

ticles, they would make him as Com-  
 pleat a King of *Ireland* as ever his King  
*John* was, and also give him a better  
 Estate to support that Dignity, than  
 was given to that Prince. I don't love  
 Banter, but how can a Man treat such  
 Discourse otherwise? is it not certain,  
 that we have expended more Money  
 ( besides the invaluable Blood of our  
 People ) in the Reductions of *Ireland*,  
 than all the Lands in the possession of  
 the *English* are worth? and yet we have  
 been so generous to them, as hitherto  
 not to ask for one penny of Reimburs-  
 ment from them. But see the inconsid-  
 erateness of this Gentleman, he hath been  
 so far overseen, in the saying any thing  
 that he has Thought could give the least  
 support to his unreasonable Argument,  
 as not only to scatter many pernicious  
 Notions, which the Irish may lay  
 hold on to the Prejudice of the Eng-  
 lish; but here also he hath started a  
 Thought, that is capable of being im-  
 prov'd more to the Benefit of *Eng-  
 land*, than to the advantage of his  
 own Country-men, ( as he distinguish-  
 es ) the English of *Ireland*. Is there

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not

not Reason, that those who receive the greatest Benefit by the Publick Expence, should contribute a proportion towards it? The People of *England* receive but a distant advantage by the Reduction of *Ireland*, and yet they have born the whole Charge; the Protestants of *Ireland* have receiv'd an immediate Benefit, by being restored to very great and improving Estates, and yet they have paid nothing; the Government of *England* is extreamly in Debt, and the Taxes will continue to lye very heavy upon the Inhabitants of *England*, where the Means of Subsistence is much harder; but *Ireland* is recover'd into a flourishing Condition, and through the great Plenty and Cheapness of Provisions, the People there by a little abatement of their abundant way of living, may spare Taxes much more easily than *England*: What then if the Parliament of *England* should entertain this Thought of his, and become of his Opinion, that they ought to be repaid their Expences; and that the People of *Ireland* are now in a Condition to Contribute



tribute something towards it? especially since they are already become so Up-  
 ish, and retain so small a Sense of Grati-  
 tude for the great Support we have so  
 lately given them, as that not only  
 this Gentleman, but others also have  
 shewn their Readiness to fly at our  
 Heads, and even threaten us with  
 the Consequences of their Resent-  
 ments, for our only offering to Check  
 their Progress in a Manufacture,  
 which cannot be carried on there  
 but to the Ruine of *England*: I say,  
 if upon these Considerations, and so  
 extraordinary an occasion, they should  
 require a Certain Summ from the  
 People of *Ireland*, I know not but  
 that it may well consist with that  
 Supream Authority, which (as I  
 have endeavoured to shew) must be  
 of the Essence of every Compleat  
 Empire; and that it would be no Vio-  
 lation upon that Constitution which  
 was given them, if our Parliament  
 should be content, *That in preserva-  
 tion of their own Rights and Liberties,  
 they may have Liberty to raise it in  
 their own Methods, regularly in their*

own Parliaments. Perhaps Mr. *Molyneux* will tell us, that they have a Negative upon us; but he hath before put us in mind of an Unlucky Hank that our Admiralty hath on them. I doubt the Gentlemen of *Ireland* won't be well pleas'd with me for touching upon this Point, but they must reflect upon their own Advocate, but for whom it had never come into my Mind; and they ought not to be offended with me, for answering him in such a Way as his own Arguments require: I never design'd them any ill Office, and if any advantage should be taken by this, I am as ready as Mr. *Molyneux* himself, for my part in it, with the lowest Submission to ask their Pardon.

What follows next may be prefac'd with a

*Monstrum horrendum, informe, ingens,  
cui lumen ademptum.*

p. 144. *We have an Example of this in  
Point between England and Holland,  
in*

*the Glorious Revolution under his present Majesty; Holland in Assisting England expended Six Hundred Thousand Pounds, and the English Parliament fairly repaid them: It would look oddly, for Holland to have insisted on disposing of Lord Powis's, and other Estates, by their own Laws, to reimburse themselves.*

An Example in Point; then *Holland* must once have Conquer'd *England*, and have ever since retain'd a Title to this Kingdom, and exercis'd an Authority over us, in directing all the Principal Managements of our Government: Neither can there be any Semblance of their assisting us at that time with Six Hundred Thousand Pounds; that Assistance was advanc'd wholly on the Credit of their Stadtholder, the (then) Prince of *Orange*, and the Assistance we had was only owing to him, who by the Success of that Glorious Expedition came to be Elect'd our King; and then the Parliament of *England* considering, the Inestimable Benefit *England* had receiv'd by that most

K 3 Happy



Happy Revolution, thought it reasonable to repay them the full Charge which the States had advanc'd on this Account : Besides, if the Fact had been true, the *Dutch* knew we were well able to repay them, and they have had their Money to their Content, but we knew that the People of *Ireland*, if they would have beggar'd themselves, could never have reimburs'd us, and therefore we have not, and perhaps ( then ) never intended to ask them for it : May this be call'd an Example in point too ? After this, can there be a more Odious Comparison than what he infers, that the *Dutch* had as much reason to insist on the disposing Lord *Powis's* and other Estates, as our Parliament had to meddle in the matter of the Forfeited Estates of *Ireland* ? I have sufficiently shewn how the Government of *England* hath a Just Right to the Forfeited Estates in *Ireland*, but surely the *Dutch* can't pretend to any Right to Estates forfeited in *England*, by our Municipal Laws ; and it does indeed look oddly enough in him, to

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Controvert this with us, before we are repaid one Farthing of a vastly greater Expence, and tell us, here's an Example in Point for us : Such Treatment as this would raise the Blood of an Englishman, and though a fitting Modesty and Regard to my Reader doth restrain me from venting the Resentment due to so great an Indignity put upon the English Nation ; yet I hope I may be indulg'd to imprecate upon my self, if ever I should discover so little Thought, as to make use of Examples highly reflecting upon my Superiours, and yet no way agreeing with the Fact in hand ; may I be Censured for an Eternal Blockhead, and condemn'd to wear my Book affixt on my Back, as a perpetual Badge of my Insolence and Folly.

I am weary enough of this Head of Purchase, and yet I will take the pains to transcribe the last Paragraph on't from end to end : He says, *'Tis an ungenerous thing to vilify good Offices, I am far from doing it, but with all possible Gratitude acknowledge the mighty*

P. 145.

*Benefits Ireland has often receiv'd from England, in helping to suppress the Rebellions of this Country ; to England's Charitable Assistance our Lives and Fortunes are owing : But with all humble Submission, I desire it may be Considered, whether England did not at the same time propose the preventing of their own Danger, that would necessarily have attended our Ruine ? if so, 'twas in some measure their own Battails they fought, when they fought for Ireland ; and a great part of their Expence must be reckon'd in their own Defence.*

*If Mr. Molynex had had a due sense of what he was saying, he could never have so solemnly protested against the ungenerousness of Vilifying good Offices, and yet in the next Breath attribute no more to England, in what she hath done for them, than just her helping to Suppress the Rebellions : Is not this Vilifying with a Witness ? after we have Reduc'd Ireland, and put them into the Possession of their Estates, upon our own proper Cost and Strength, to have it lessen'd to no more*



more than a little Lending them a Hand at a dead lift, and for which they are very willing to repay us (in Words)? Why, this is not worth his acknowledging with all possible Gratitude, the Mighty Benefits they have received from *England*, &c. But after all, this Mighty Hodge-Podge of an Harangue is but to tickle us into a good Humour, that he may slyly usher in his Plea in Abatement of Damages, and so pay us all off with the Flap of a Fox-tail; *It is to be Considered, whether England did not at the same time prevent their own Danger, and consequently in some measure fight their own Battels*: We have been pretty well us'd to this ungrateful Complement from others of his Countrey men, who have been apt on all Occasions to reflect upon us, that 'twas not for their sakes, but our own, that we reduc'd *Ireland*; only Mr. *Molyneux*, like himself, gives it us in finer Language: What if we also have receiv'd some Advantage by this Reduction? I should think that a People who had  
any

any due sense of Gratitude, might remain so well Content with the great Benefit that accrew'd to themselves, by the re-enjoyment of the Estates which they had lost, as not to upbraid us with any such reasonable Convenience which we might draw from it, without Prejudice to them. Can they think it had been fit for us to engage in so mighty an Expence, for no other Reason than to recover their Estates for them? Well, suppose we had thought fit only to fight our own Battails, and when we had done, to have bridled the *Irish* by strong Garrisons, and had no regard to have restor'd them to their Estates; perhaps we might have as well secur'd our own Interest that way: However, the Tenderness we had for them, (how ill forever some of them seem to have deserv'd it) would not suffer us to use so Severe a Policy, which yet if we had practic'd from the beginning, and kept our own People at home, would have turn'd to much better account to us, than if we should at  
last

last be so far overseen, as to suffer a Colony of our own to Contest with us for our Trade. But yet I am for Complying with Mr. *Molyneux* in this matter, and I am content that a part of this Expence, in proportion to the Benefit *England* shall be thought to have receiv'd by the Reduction of *Ireland*, shall remain upon our Account ; but then I hope the vast advantage which immediately accrews to the People of *Ireland* by the Recovery of their Lands, and the fair time we have spar'd them from Contributing any thing, may be thought justly to intitle them to the far better part of this Charge ; and if Mr. *Molyneux* can with as much Ingenuity find a way to pay it, as he hath been ready to own it, he will very much oblige the Government of *England*, at a time when their own Occasions do so much want it.

So much for Mr. *Molyneux*'s feign'd pretence of Purchase, which can be but an Invention of some such pregnant Brain as his own ; for I never before heard, that the People of *England* had set up any pretention for their Superiority over *Ireland* upon that foot ; such  
ano-



p. 145. another is that which follows. *Another thing alledg'd against Ireland is this; If a Forreign Nation, as France or Spain for instance, prove prejudicial to England in its Trade, or any other way; England, if it be stronger, redresses it self by force of Arms, or denouncing War; and why may not England, if Ireland lyes cross their Interests, restrain Ireland, and bind it by Laws, and maintain these Laws by Force?* He discusses this Point very gravely, but since no Body ever thought of making this any Argument but himself, and we never pretended to have so little to do with them as with *France and Spain*, I'll trouble my self no further about it, but let it pass for a Meer Whimsie.

p. 148. Mr. *Molynaux* tells us, *The last thing he shall take Notice of, that some raise against them, is, that Ireland is to be lookt upon as a Colony from England:* Here he attempts to delude us with a salacious Argument; but that is very easily solv'd by an Obvious Distinction. If he would not have *Ireland* lookt upon as a Colony, yet I be-

believe there can be no Notion of a Colony clearer, than that the *English* planted there, are so in the strictest Sense, and that I shall undertake to prove anon, although he calls it, *The most Extravagant of all Objections against them*; and then without doubt it must follow, that, *As the Roman Colonies were subject to the Laws made by the Senate at Rome, so ought Ireland by those made by the great Council at Westminster.* I may add, or any where else, where our Parliament may sit to Enact Laws. But he would not have this be thought *To have the least Foundation or Colour from Reason or Record*; does it not manifestly appear by the Constitution of Ireland, that 'tis a Compleat Kingdom within it self? I say No, 'tis but the Form of a Kingdom; for since 'twas first subdu'd to England, Governours have always been set over it by England, and it never had Authority of it self to Exercise a Legislature, but by Directions from England. But now he's resolv'd he'll confute us, though Bellarmine stood in the way; *Do not the Kings*  
of

*of England bear the Stile of Ireland,*  
 ( and why did he not mind the Arms  
 too ) *among the rest of their Kingdoms ?*  
*Is this agreeable to the Nature of a Co-*  
*lony ? do they use the Title of Kings of*  
*Virginia, New-England, or Maryland ?*  
 Don't the Great Turk bear the  
 Title of a great many Kingdoms ?  
 Yes, and some of them have a more  
 Compleat Dominion among them-  
 selves than ever we gave *Ireland* ; are  
 they therefore all Compleat King-  
 doms within themselves ? The Kings  
 of *Spain* have so many Titles of King-  
 doms, that they have quite lost the  
 Knowledge where some of them grow ;  
 they have us'd the Stiles of King of  
 the *East* and *West-Indies*, and yet  
 their acquisitions there have been but  
 Colonies ; *Mexico* and *Peru* are not  
 Compleat Kingdoms within them-  
 selves, though they have that Title,  
 yea, and their Governours have the  
 Style of Vice-Roys, and that's a high-  
 er Feather than ever those of *Ireland*  
 wore, ( I should have excepted their  
 absolute King *John :* ) *The Kings of*  
*England have never call'd Virginia,*  
 New-



New-England, or Maryland, *by the Name of Kingdoms*; is there such a deal of weight in that? The *Portuguez* gave the Style of a Kingdom to *Goa* in the *East-Indies*, but they never did to *Brazil*, though it be much the more Considerable Colony: And now I think on't, we were once about making our Dominions in *America* into a Vice-Royalty, under the Duke of *Albermarle*, sure then they must have made as Compleat a Kingdom as *Ireland*; for they have as absolute a distinct Dominion within themselves, and I beleive, are endow'd with Authority for the regulating the Affairs of their own Governments, as ample in all Respects as *Ireland*, excepting only the Punctilio of a Titular Kingdom, and the Denomination of a Parliament, to the very same thing that in the others is call'd an Assembly: Are not all these things done or not done, according to the Humour or Fancy of Princes? Is there any thing of Essence or Reality in them? If the English of *Ireland* are in all other respects under the

Circum-

Circumstances of a Colony of *England*, will any Body besides Mr. *Molyneux* imagine, that this Title of a Kingdom doth exempt them? But he has more to say; *Was not Ireland given by Henry the Second, in a Parliament at Oxford, to his Son John, and made thereby an absolute Kingdom, separate and wholly independent on England, till they both came united again in him, after the Death of his Brother Richard without Issue? No, he continued a Subject of England, and was Try'd for his Life as such; the Parliament of England limited him from using the Style of King: Can the King of a Separate Kingdom be limited, and yet his Kingdom remain wholly Independent?*

p. 149. He continues, *Have not multitudes of Acts of Parliament, both in England and Ireland, declared Ireland a Compleat Kingdom? but never Independent: Is not Ireland stiled in them all the Kingdom or Realm of Ireland? Do these Names agree to a Colony? Yes, are not the Names of Colonies agreeable to Mexico and Peru, because*  
the

the Acts of State in *Spain* stile them Kingdoms? *Have we not a Parliament, and Courts of Judicature? Do these things agree with a Colony?* Yes, and other Colonies have effectually the same. Neither doth this involve so many absurdities as he thinks, if we do but consider what sort of a thing a Colony is.

When People began to multiply in the World, and fill those Tracts that were first inhabited, they were necessitated to spread themselves farther and farther, for the better Conveniency of Living; and thus the remoter Parts came in process of Time to be peopled, with such as are call'd the Aborigines of Nations: In the first and innocent Ages of the World, these liv'd in an undisturb'd Quiet, contented in the Enjoyment of such things as with their own easie Cultivation, Nature plentifully bestow'd in an abundance, sufficient for the Support of all Mankind, 'till the Malice and Enmity of the Devil, operating upon the deprav'd Minds of Men, through the Curse entail'd up-



on them, for the Disobedience of our First Parents, stirr'd up in them the Unnatural Desire of living according to their own Wills, without regard to the Principles of Reason, and the Laws of Nature, which God had eternally stamp'd upon their Minds : This soon began to break the first Harmony and good Order of the Creation, and came in time to change the whole Face of Humane Affairs, and introduce a very different kind of Oeconomy among Men. Hence it was, that the more powerful Communities, if they found their own Borders too strait for them, would not give themselves the Trouble of removing to distant uninhabited parts of the Earth, but took the Liberty to incroach upon their Neighbours, and possess themselves of what the Industry of other Men had made their own just Right and Property. These Violations of the Law of Nature taught the more scatter'd People to enter into Societies, and unite together for their Mutual Defence against the Invasions of others ; and  
for,

for the Well-ordering of Matters, and preventing private Injuries that might occur among themselves, they thought upon the constituting Laws, for the defining of Liberty and Property, and executing Justice upon such as should offend against them; they apply'd themselves also to the inventing of all such further Policies as might be conducive to the acquiring and preserving the Good of the whole Society; and whether they thought best to commit the Chief Conduct of their Government to one Person as Supream, to rule them with the assistance of subordinate Ministers; or that they plac'd this Supream Authority to govern in several, with joint Power, the end and intent was still one and the same, to procure and conserve the Good of the whole People, though the Names were differing, as that of Kingdom, Common-wealth, &c. Those that instituted the best Policies, and most suitable to their Circumstances, generally became the most powerful; a Sense of their Strength, and an Opinion of their

Skill in Politick Managements, made them Ambitious to gain Dominion, and Rule over others: Some united through Fear, or for Convenience, and others were subdu'd by Force; thus from small Beginnings grew up Mighty Empires, who apply'd their whole Power to bring and keep all they could reach, under their own Dominion; by which means the Frame and Constitution of many Kingdoms and Countries came to be altered from their Original Settlements. There were yet another sort of Invaders, whose Manner was only to make room for the too Numerous Broods of their Off-spring, who did as it were swarm out in huge Multitudes, to take up new Dwellings, where they lik'd best; with no intent to erect any United Empire, or to return again to their Native Countries; these destroy'd, drove away, or oppress'd the Aborigines, or former Inhabitants, where they came, and possess'd themselves of their Habitations. Of this latter sort have been the Ancient *Scythians*, the *Goths*,

*Van-*



*Vandals, Huns*, and others of their Descendents, branch'd out into many other Appellations; but these may by no means be said to settle Colonies, because they retain'd not any dependance upon their Original Countries, but erected New and Absolute Governments upon their own Foundation. Of those that aim'd at the gaining and keeping together of a Mighty Empire and Vast Dominions, the *Romans* were the last, who grew to the greatest heigh, and excell'd all others in Power and Policy, and the present Kingdoms and States of *Europe* retain many of their Notions and Principles of Government to this day, though in many places with a large Mixture of the *Gothick* Constitution; but 'tis from them that we have principal'y learn'd the way of Settling and Managing of Colonies, and to their Practice we ought to have recourse in such Matters as relate thereto: And though we are not to expect, that the Circumstances of other Governments, and latter times, were obliged to follow

the *Roman* Pattern in every particular, yet I believe, upon comparing them it will appear, that few have trac'd it nearer than we did, in the Subduing and Settling of *Ireland*.

When the *Romans* had by Conquest, or any other Means, brought any Country under Subjection to their Government, they then gave the Country the Name of a *Roman* Province, possess'd themselves of the most Considerable Towns and Fortresses, wherein they plac'd Competent Garrisons, and then withdrew the Body of their Army, appointing a Governour in Chief over them, whom they at any time afterwards recall'd, and sent another at their Pleasure. Did not the *English* in their subduing *Ireland*, so far imitate this way of Management, as that the Countrey became united to their Empire, in the very Nature of a *Roman* Province? As the Inhabitants of the Countrey made more or less Resistance against them, the *Romans* granted them the more or less Liberty, so that they put Considerable Tributes  
or

or Services on some, and suffer'd others to enjoy great Franchises and Priviledges : In like manner, the *Irish* making little or no Resistance, had the Laws and Liberties of Englishmen granted them. This is the Nature of a Province, but a Colony is yet another thing : If the *Romans* lik'd the Province, and saw it convenient for them, they sent sufficient Numbers of their own People to settle in this Province, divided out such Lands to them as had been gain'd, to cultivate and manure for their own Advantage, and the Possession thereof to remain to their Posterity ; the Exercise of the *Roman* Laws was granted them, and sometimes also they had a Senate allow'd among themselves, who might enact such things as the Circumstances of their own Affairs did require ; they and their Posterity always remain'd free Denizens of *Rome*, and were always protected and defended by her, as long as she had Power to do it ; but they were ever obliged to pay an intire Obedience to the



pream Decrees of the Senate of *Rome*, and were subject to be call'd home, if the *Romans* thought fit to dissolve the Colony. Let the Reader apply this to the Circumstance of *Ireland*, and consider whether it be not a better *Example in point*, than Mr. *Molynex* lately gave us.

I have taken the pains to say thus much on this Head, that if possible I might open the Understandings of Mr. *Molynex* and his Admirers, that they may no longer lye under a Mistake in this matter: If the Inhabitants of Countries and Nations can be made up of no more than these three sorts of People, Aborigines, swarming Invaders, (if I may so call them) or Colonies; (as I think 'tis impossible to find more Original Stems, whatever Branches or Unions there may be). I am sure the English of *Ireland* won't pretend to be Aborigines there; neither can they reckon themselves to be upon the same bottom with the *Gothick* Excursions, for that was quite out of Fashion, and the Practice forgotten, Ages before they were born; all

all these parts of the World were settled under Kingdoms and Polite Governments, which with little alteration, ( I don't say in their Forms of Governing, but ) by Conquest, or otherwise, except by Unions, continue much the same to this day : They have frequently needed Help, and had been many times destroy'd, or driven quite away, but for the constant Protection and Support they have always had from their Mother *England* ; and they have ever receiv'd a Governour, and Directions for all the Principal Managements of their Government from her ; these Circumstances can be no way agreeable to an Original *Gothick* Settlement ; and since there's nothing else left, if Mr. *Molyneux* won't let them be a Colony of *Old England*, I see no room for them to take up any where, but in his Notion of the State of Nature, and then there will be need of reducing them again to Order as Wild-men. And though I take the Liberty to answer Mr. *Molyneux* after this manner, no Body can imagine that I could

could think of such a Reflection upon the Worthy English Gentlemen of Ireland, I am sure they will be much more ready to agree with me in the same thoughts of their Duty to their Mother Countrey, which I have Discours'd in Page 75, and 76.

P. 149. Mr. *Molyneux* thinks, he hath now answered *The only remaining Arguments that are sometimes mentioned against them*, and so He proceeds to offer what he humbly conceives, demonstrates the Justice of their Cause; and this takes up about twenty four pages to the end, in which he hath summ'd up his Discourse; much of which is a Repeating over again, *What are the Natural Rights and Freedoms of Mankind; That no body can be bound without their own free Consent in Parliament, quating Mr. Hooker, &c. and telling us again, of the Concessions made to them: But he might have spar'd himself and the Reader this Pains; we value Mr. Hooker, and all the rest that have written upon that Excellent Subject, as much as he; we have*



have maintain'd the People of *Ireland* in the full Enjoyment of all that could be granted them in the first Constitution ; they act as freely in their own Parliaments, in matters pertaining to themselves, as ever any Body of Men in their Circumstances did in the World ; our Parliaments have always shewn that regard to the Legislature which they own to be their Right, as that we have rarely meddled with it, and never but upon very extraordinary Occasions, either to help them in the time of their Distress, and when they were not in a Capacity to act for themselves ; ( as he confesses, ) or when the Good of the whole English Empire ( of which they are a part ) did eminently require it, and which we should have done as effectually if they had sent Representatives to our Parliament, as we have done it without them, and as we do it to *Kent* and *Sussex*, in restraining the Owling Trade, notwithstanding they do send Representatives, who cannot hinder, if they Vote against ; and to be sure, if they  
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Vote for those Laws, act against the Consent of those that send them ; and then why may not they complain of the Infringement of the Rights due to all Mankind, by putting Laws upon them, without their Consent ? but Mr. *Molyneux* may say, they have Representments ; what if they don't consent ? may not these People then strongly insist, that they are not bound ? Yes, sure, if General Notions of Liberty must be swallowed all in a Lump, without distinguishing ; but here's a Majority in the Case, and that Obliges ; if it be ask'd further, why should a Man be bound by ever so great a Majority, so as to be restrain'd from doing what he will with his own, according to the Liberty inherent in all Mankind, by the Law of Nature ? Because he that is not born in the state of Nature, is effectually bound by the Consent of his Ancestors, to submit to the Constitution of his Countrey, and that with us determines that the Majority shall bind. Publick Societies can never be kept together, nor the Good of the whole

whole conserv'd, without some such binding, such Limitations of Freedom as this; and this is what we have reason to require from the English of *Ireland*, who are certainly a Colony of *England*, sent thither by us, bred up, cherish'd and protect-ed by us, in the Enjoyment of good Estates and ample Privileges, sufficient to preserve the intire Freedom of their Persons and their Properties, in all manner of Liberty and perfect Enjoyment; excepting only, that if they should presume to extend it to such a Latitude, as would be highly injurious and prejudicial to *England*, and consequently to the whole English Empire, by wounding its Head; whereon also themselves always have, and must relye for assistance, so that in whatever they weaken her, they work their own Destruction: And the World will easily judge, that as we have the utmost of Reason on our sides, so if we are a perfect Government, we must have sufficient Power residing in our Constitution, to act upon all

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Extraordinary Occasions, whatever we shall find absolutely necessary to our Preservation, even to the binding of all the Members of our Empire, without being oblig'd to ask their Assent.

p. 166. The rest is little more than dilating upon Conclusions, arising from such Premises, which I hope I have sufficiently refuted in my former Discourse, and therefore I shall meddle no more with it, but to touch upon two Passages: The one is, where he tells us, that *It is against the King's Prerogative, that the Parliament of England should have any co-ordinate Power with him, to introduce New Laws, or repeal old Laws established in Ireland*: But his Argument upon this is either false Printed, or down-right Nonsense, or at least so Confus'd, that I Confess I can't unravel it, and I'll begg the Reader, if he would see it, to look for it in page 167. for 'tis too long to Transcribe and Comment upon, where any on't is intelligible: But to take it in the gross, 'tis no more than a weak attempt

tempt to raise a Jealousie, about hurting the King's Prerogative, when yet nothing that he hath offer'd looks like it, but rather shews the King's Prerogative to be less there than in *England*. I wonder Mr. *Molyneux* should render himself so ignorant of our Constitution, in magnifying the Negative Vote, which their Parliament hath upon whatever Law is sent to them from the King in his Privy Council, as if that were a higher Privilege than the *English* Parliament has; whenas a little Inquiry into these Matters would have inform'd him, that the King can, if he please, bring a Bill into Parliament here, and either House may reject it, if they don't like the Law: But then what Laws he sends to their Parliament, must be first approv'd in the Privy Council here, and doth not that shew that an Authority inferior to our High Court of Parliament, hath a sort of Co-ordinate Power with him in the Legislature of *Ireland*? And is it not an evident Demonstration, that the King doth not  
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act any thing in relation to *Ireland*, upon any distinct Prerogative, as various and differing from what was inherent in the Imperial Crown of *England*? Nay, is not the King's Prerogative exerted in a higher degree, in the manner of his passing an English Law, where he comes into the House of Lords, and exercises in his own Person alone, ( and without taking the Advice of the Privy Council of either of his other Kingdoms ) one full Third Part of the Legislative Authority, and in Power above one half, as having the Casting Vote, by which he can deny against the other two Estates? And when he thus passes any Law, affecting *Ireland*, can any thing be more absurd, than to suggest, *That he thereby suffers a precious Jewel of his Crown to be handled roughly?*

p. 167.

p. 172. The last Passage I shall observe, is his Parting-blow, the last three Pages, wherein he Cautions us two or three times over, how *Unsafe* it may be for us to assume a Jurisdiction, whereby the Lords and People of *Ireland*



land may think themselves ill used, their Rights and Liberties, invaded and taken away, and they may be driven into Discontent; from whence he hints, there may be ill Consequences: We may easily see his Meaning to be a Menace, and though there may be some few of them as inconsiderate as he is, yet we have a better Opinion of the Body of the English Protestants there, than to believe that they will ever give us Occasion to think, that we have need of Exercising severe Methods, to keep them in their due Obedience; Nay, had we the least doubt of this, it would behooove us not to suffer any Gentleman, who hath an Estate in Ireland, to bear any Command in our Army there, 'till he had given us the utmost Assurance that he was not tainted with Mr. *Molynæus's* Opinions. However, let me tell him, that a Supream Authority ought not to be set upon at the Rate he does.

And now I will take leave to shew the Lords and Gentlemen of Ireland, some of the ill Consequences that  
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may attend them, if Mr. *Molyneux's* Positions should gain an intire Credit.

*First*, If the Parliament of *England* should be perswaded, that they ought to look upon *Ireland* as a Distinct, Separate and Absolute Kingdom, with which they have nothing to do; they might not think it unreasonable for them, to demand a speedy payment of all the Expences *England* hath been at, in the many Assistances which they have given them; and if they shall refuse to pay it, whether it may not be just to recover our own from any Neighbour Nation by Force, if we shall think our selves able to do it?

*Secondly*, If the Kingdom of *Ireland* belongs to the King as his own Propriety, distinct from the Kingdom of *England*; if the *Irish* should at any time hereafter believe that the King of *England* could not be able to protect his Potestant Subjects there, without the Assistance of Men and Money from his English Parliament, and should thereupon make another Attempt

tempt to drive them out, and seize their Estates ; whether the Parliament of *England* would think themselves oblig'd to be at any further Expence, to protect a People with whom they had nothing to do, and who had shewn so little Gratitude for what had been done for them formerly.

*Thirdly*, If *Ireland* be such an Absolute, Independent Kingdom, by virtue of the Concessions formerly granted to them by *England*, those Concessions were made to the Native *Irish* and *Old English* settled there ; all that Mr. *Molynex* hath argued is intirely their Case, and they alone have Right to be considered, and treated with as the Body of that Kingdom ; but the Modern *English* Protestants can have no Interest in these Ancient Grants ; they are still our own People, went thither with our leave, and may not stay there without our permission ; if then the Government of *England* should think fit to recall them, ( as they may those that are in *France, Holland, &c.* ) Whether the *Irish*

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Papists could either have Will or Power to protect or keep them from us ?

And now as I have been necessitated upon several former Occasions, to shew that Mr. *Molynaux* hath started many things, that may be made use of to the Disadvantage of the *English* of *Ireland* ; so I think, I have also demonstrated, that upon the foregoing Considerations, his Notions, if they should be thought reasonable, so far as to obtain upon the Parliament of *England*, to believe that they ought to quit all manner of Pretensions of their Superiority over *Ireland*, as amply as he desires ; the Consequence must draw immediate Destruction and Ruine upon them ; which I should think might sufficiently convince the Gentlemen of *Ireland*, that Mr. *Molynaux* hath not deserv'd well of them in writing this Book : And I hope they will think, that I have employ'd my time much more to their Advantage, if it may convince any that have been lead into his Mistakes, that 'tis the true Interest of the Protestants of *Ireland*, to remain

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constant and firm in their Loyalty and Obedience to the King and Kingdom of *England*, and to esteem it their great Happiness, that they are annexed in so easie a Subordination, to a Kingdom that is so well able to protect them, and hath requir'd so little from them; and never more to think that their being restrain'd from interfering with us in our principal Trade, can be too great a Retribution for the many Benefits and frequent Preservations which they have receiv'd from us, especially since they are in much easier Circumstances than the People of *England* to live without it; whereas the Robbing *England* of it, must inevitably introduce a Decay of her Riches and Power, and render her incapable to give *Ireland* that large Assistance that she may possibly at some time or other need again. *England* hath been, and must still continue to be at a mighty Expence to maintain her Navies, and the Civil List, from all which they receive the Benefit of being protected in their Estates and Trade, with-

out being hitherto ask'd to pay one penny towards it, so that they may clearly see, that 'twill be much easier for them to continue in such a Subordination, than to aspire to the Dignity of an Independent Kingdom, which they cannot be able to support.

I have now done with Mr. *Molyneux's* Book, and since I have taken so much pains with it, I hope I may be permitted to give it such a Character at parting, as I think to be in a most peculiar manner agreeable to it: 'Tis an abundance of Well chosen Words, and Fine Rhetorical Turns to prove nothing; 'tis a multitude of Arguments and Authorities, brought together to confute its own Author; and 'tis a promulgating of such inconsiderate Notions, as would ruine and undo the People, for whom it undertakes to be a Zealous Advocate.

If it should be thought by some, that I have been too sharp in some Expressions, there are yet others, whose Judgment I have taken, that are of the Opinion, that so Insolent

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an Argument merits no less ; and I think such a Discourse cannot well be treated with that Coolness and Indifference, which might become a Modest Controversie : Subjects that so rashly undertake to disturb the Minds of People, and assail the Authority of a powerful Kingdom, in matters of so high a Nature, deserve at least to suffer such a Correction, that others may be deterr'd from the like Bold Attempts ; let it be remembered, that *Salmasius* was lash'd to Death by a Pen, provok'd in ( what in those times he thought ) the Cause of his Country, and Mr. *Molyneux* may be thankful, that we have no *Milton* living to handle him. I am a perfect Stranger to the Gentleman, and can have no personal Disrespect for him ; and if he'll give me leave to distinguish, as nicely as he does between the King and the Kingdom, 'tis his Book, not him that I would expose ; after all, if in regard to his Person, I do with the lowest Submission ask his Pardon in the End, I hope I shall come off with as good

Manners, as he does with the Parliament of *England*, in asking theirs in the Beginning of his Discourse.

Last of all, to reflect a little upon my self, I ought to ask Pardon of the World for what Mistakes I may have committed ; for I cannot think so well of my self, but that some may have slip't my own Observati-on : Reading hath not been my Bu-siness, and therefore it may seem somewhat strange, that I should have undertaken to deal with a Book that professes so much ; I was resolv'd therefore to handle it in such a way wherein I might be most safe. There was indeed room enough for me to shew, from undenyable Authorities, that Mr. *Molyneux* hath very extravagantly err'd and fallen short, in his Representation of this Matter ; for there are many English Acts of Parliament extant, which prove, that as well in ancient times, as since *Poyning's* Law, the constant practice of *England* hath been to make Laws binding upon *Ireland*, as often as they  
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saw fit; whereof he hath taken no manner of Notice; which must conclude him either to have dealt very disingeniously, or what will no less reflect upon him, that he was too ignorant in Matters of Fact, for so considerable an Attempt: But this part being undertaken by a much abler Pen, I was resolv'd to let all that alone, and meddle with no Authorities but what Mr. *Molyneux* hath produc'd; and as far as possible to admit of his own Arguments, and only endeavour to turn the Reason, which Naturally flows from them, against him. Can there be a fairer Opposition, than to fight a Man at his own Weapons? I have indeed here and there, as Occasion hath required, asserted some things that may have occur'd to me, through that small stock of Reading or Conversation that hath fallen to my share; and if my Memory don't serve me so well as to be able to prove them out of Authors, I don't think 'twill be thought any great Fault; it may be sufficient for me to say, that they

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are become Principles to me ; and I think them so conspicuous, that the reasonable part of Mankind don't disagree about them : Besides, I was resolv'd to have a Care of Mr. *Molyneux*'s Failing, lest I should chance to quote any Authorities which might with more advantage be used against me. I had never medled in this Matter, but that I saw Mr. *Molyneux* was so egregiously out in it, as that a Man of indifferent Reasoning might undertake it, and 'twas that part only that I was willing to attempt : Neither did I resolve to go on with it, when I was told that a very Learned Gentleman had an Answer in Hand, 'till shewing what I had written to some Gentlemen of better Judgments than my own, I was encourag'd by them to go through in the way I had begun, because they believ'd Mr. *Attwood* would principally handle the Learned part, and mine might also have its Service. How meanly soever I have been able to perform it, I am sure it will appear that my Intentions were right, and

and I need no more to recommend  
me to the Charitable part of Man-  
kind, and he that is afraid of the  
rest, ought of all things in the World  
to forbear Writing in this Critical  
Age.

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**FINIS.**

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*Some few Faults have escaped the Press;  
which the Reader is desired to Correct.*

Page 14 of the Epistle, Line 4 Read  
*a Feudatory.*

Page 13 Line 21 Read *as with.*

34	14	<i>Rebellions.</i>
75	14	<i>Person.</i>
49	13	<i>Independent.</i>
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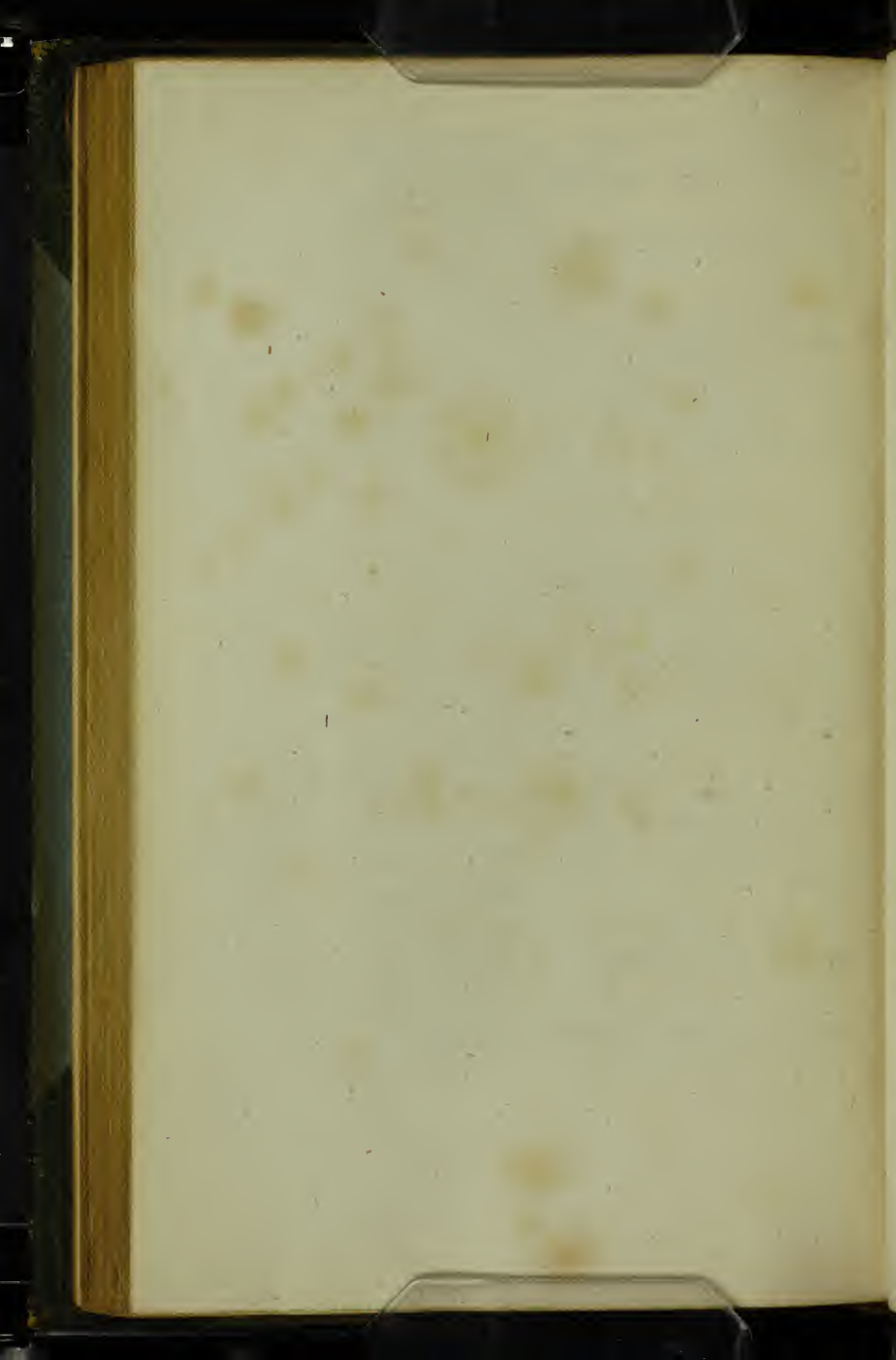
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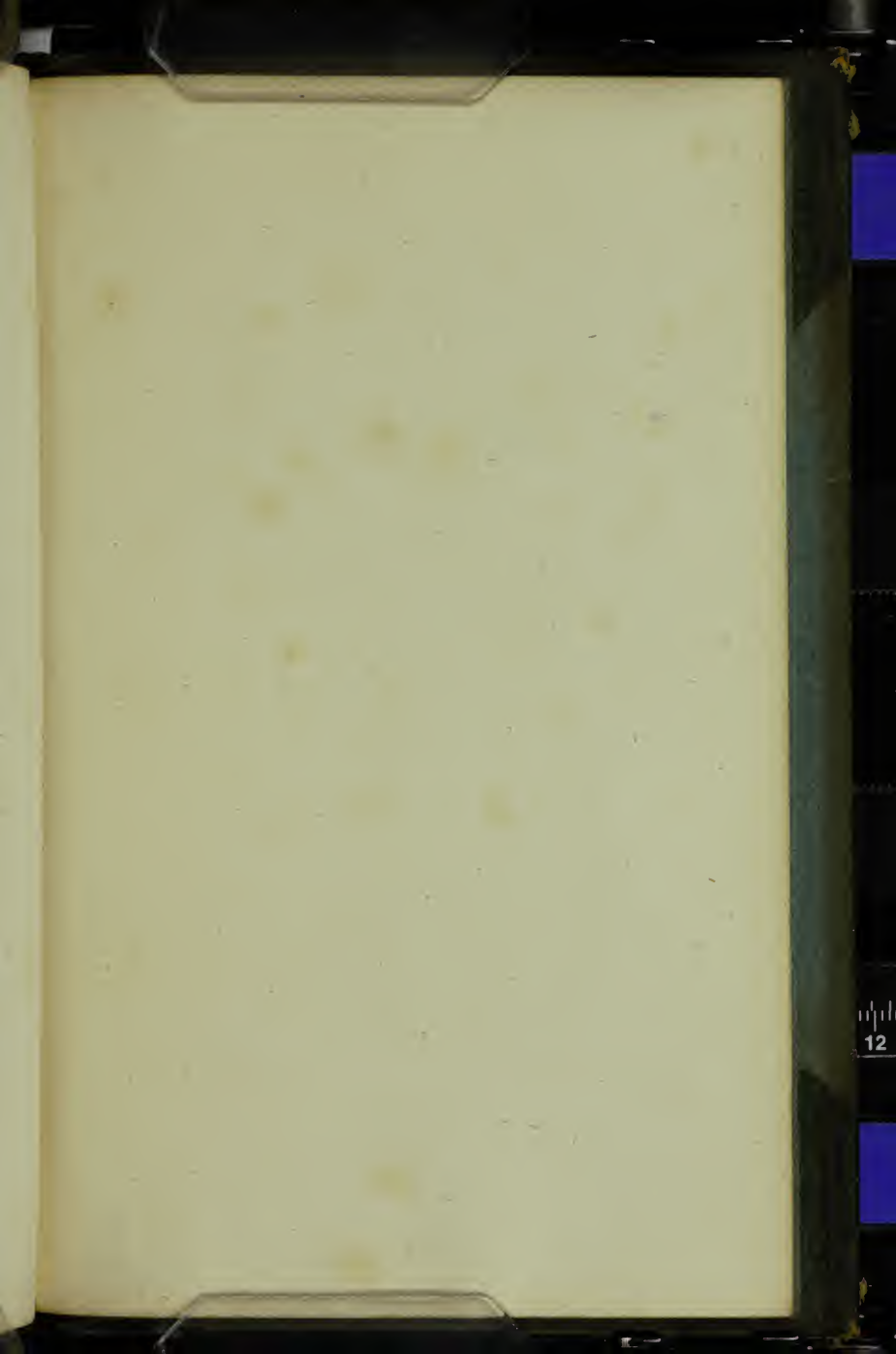
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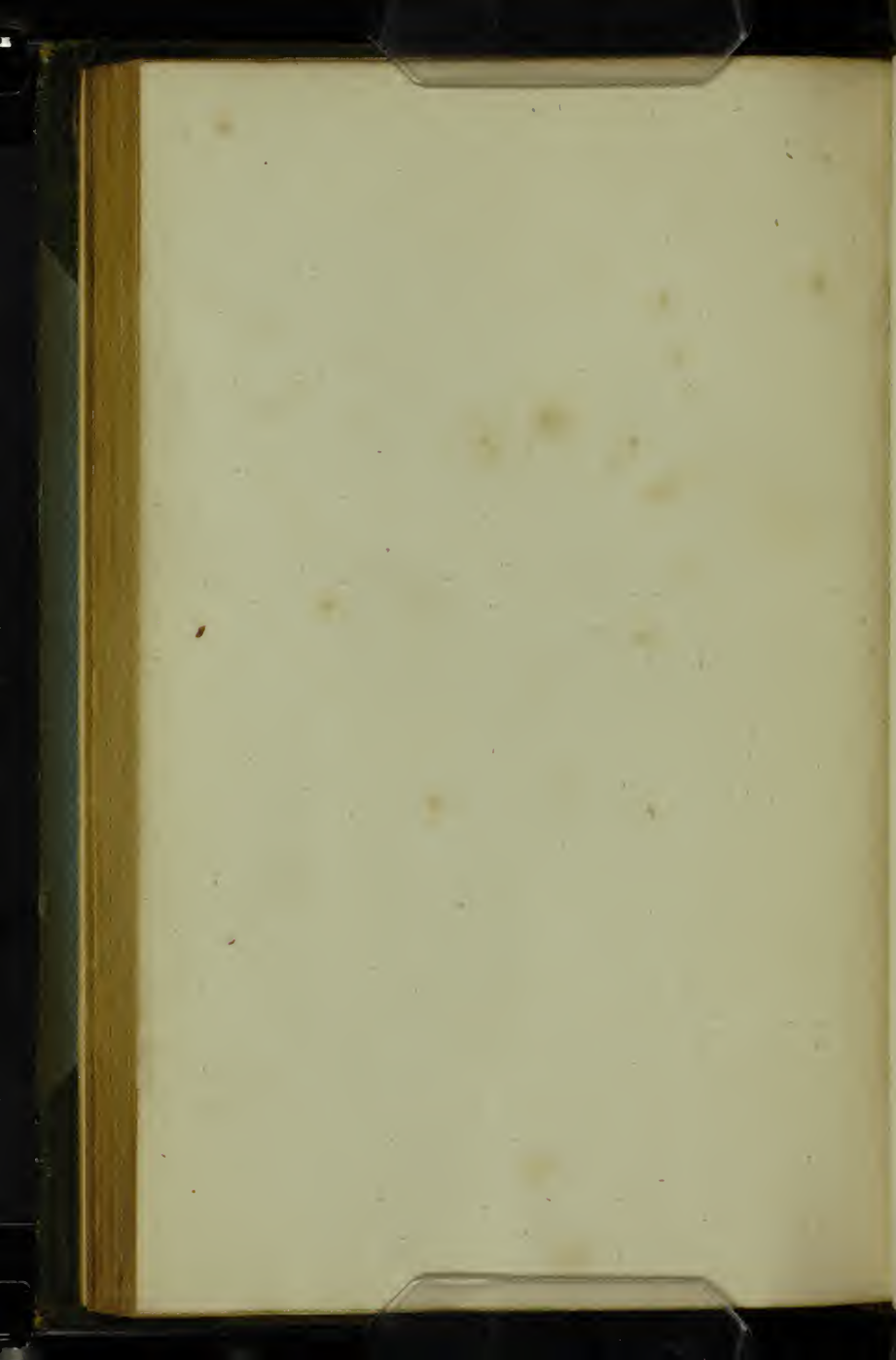
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